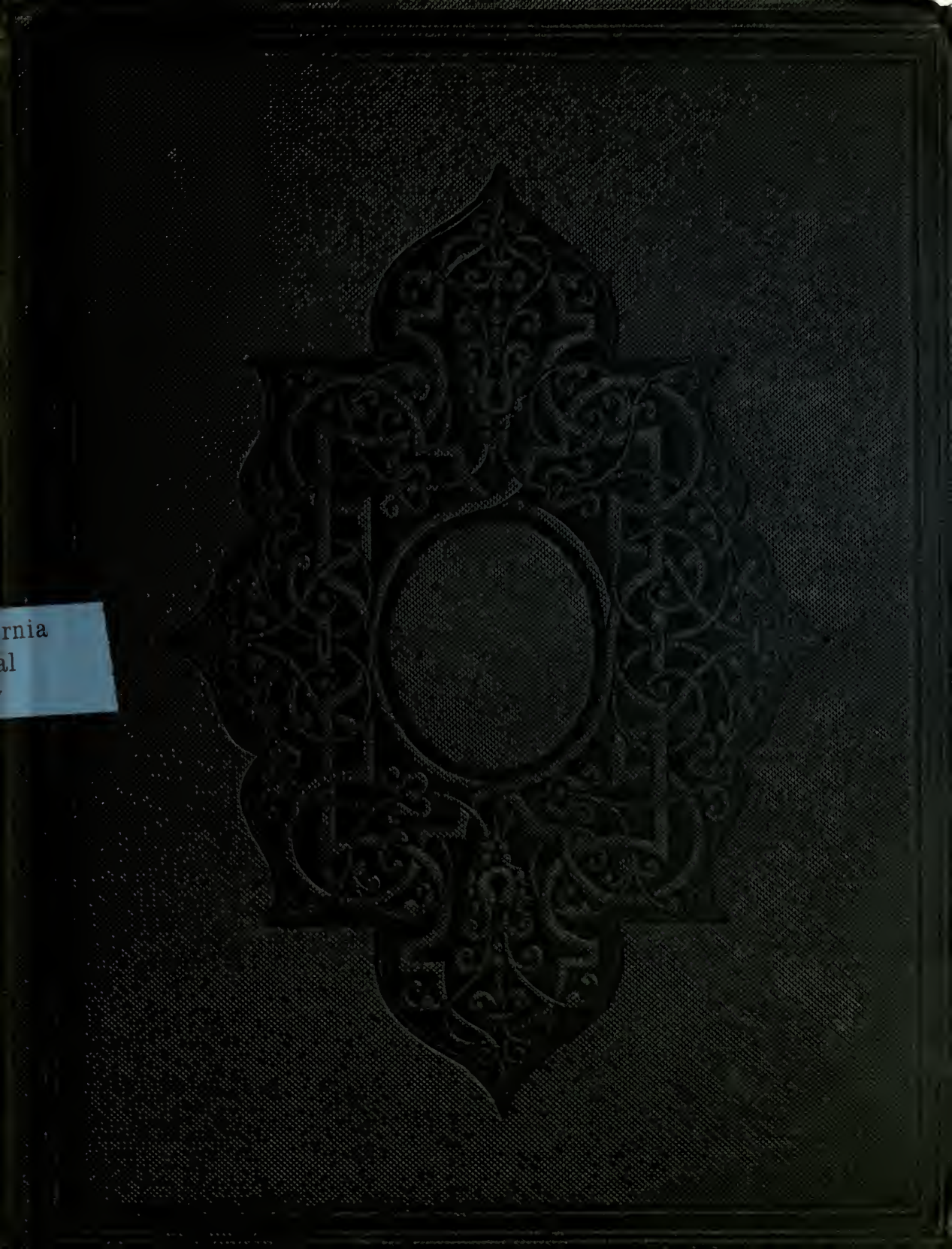
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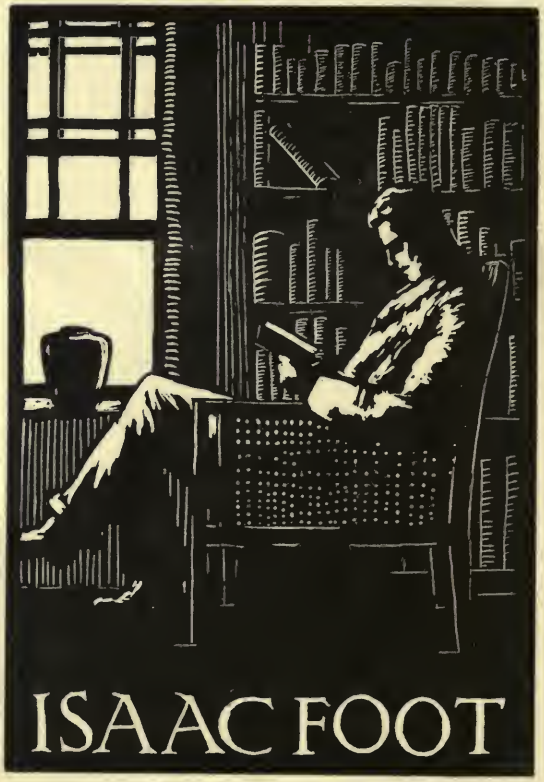

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VERNEY PAPERS.

NOTES OF PROCEEDINGS

IN

THE LONG PARLIAMENT,

TEMP. CHARLES I.

PRINTED FROM ORIGINAL PENCIL MEMORANDA TAKEN IN THE HOUSE

BY

SIR RALPH VERNEY, KNIGHT,

MEMBER FOR THE BOROUGH OF AYLESBURY,

AND NOW

IN THE POSSESSION OF SIR HARRY VERNEY, BART.

EDITED BY JOHN BRUCE, ESQ., F.S.A.

LONDON:

PRINTED FOR THE CAMDEN SOCIETY,

BY JOHN BOWYER NICHOLS AND SON, PARLIAMENT STREET.

M.DCCC.XLV.

[NO. XXXI.]

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OF

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FOR THE YEAR 1844.

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INTRODUCTION.

The wonderful events which took place in England in 1640 and the two succeeding years, were brought about by the instrumentality of men whose motives and characters are most inadequately understood. By what reasoning they justified, or by what necessity excused, the overturning of the ancient government of their country, we can but very imperfectly tell. A cloud of error and misstatement was thrown over their actions by the triumphant writers of the restored dynasty, who used their pens in the same spirit as they had wielded their swords, and took revenge upon their ancient rivals by representations of their conduct, which, if they could be believed, would make it a subject of amazement, how men so foolish and so wicked could ever have been even partially successful. But history has its periods of restitution. Truth, like Nature, will reappear, however forcibly expelled, and when the time for its appearance draws nigh, some heralds of its approach, some fragments and relics of the actual monuments of the past, will

present themselves, and from them, broken and mutilated though they be, will be deduced immutable laws which it is not possible for error to withstand. It is amongst such fragments and relics that the present volume must take its place. It is a plank saved from a wreck; but whoever will consider and study it, will find, that it contains a clue to the nature of the whole of which it is but a part.

With the exception of some few single speeches, and the brief minutes in the journals, we have little to which we may appeal, with any thing like an assurance of its fidelity, as a representation of the actual proceedings of the long parliament. The feeling of the house was against allowing any one to record what took place. Rushworth, the clerk-assistant, was prohibited from writing any thing but what was usually entered on the journal, and even the practice of members taking notes was discouraged, and, on special occasions, was controlled or put a stop to. The present volume, in its accounts of the cases of lord Digby and sir Edward Deering, bears testimony to the perils which environed members who dared to publish their speeches without leave of the house.

The notes now published are written upon sheets, or parts of sheets, of foolscap paper, so folded as to be placed conveniently on the knee, and carried in the pocket. With three exceptions, consisting of notes taken in committees, they are written in pencil. They are full of abrupt terminations, as if the writer occasionally gave up the task of following a rapid speaker who had got

beyond him, and began his note afresh. When they relate to resolutions of the house, they often contain erasures, alterations, and other marks of the haste with which the notes were jotted down, and of the changes which took place in the subject-matter during its progress towards completion. On several important occasions, and especially in the instance of the debate on the protestation, the confusion and irregularity of the notes give evidence (as I have remarked at p. 66,) to the excitement of the house; and when the public discord rose higher, the notes become more brief and less personal, and speeches are less frequently assigned to their speakers, either from greater difficulty in reporting, or from an increased feeling of the danger of the times and the possible use which might be made of notes of violent remarks. On several of the sheets there are marks evidently made by the writer's pencil having been forced upwards suddenly, as if by some one, in a full house, pressing hastily against his elbow whilst he was in the act of taking his note.

These minute circumstances constitute undesigned and most valuable marks of genuineness, and the character of the handwriting, as well as the orthography, (which latter is preserved in the following impression,) are further and corroborating evidences that these notes are of the period assumed, and are actual memoranda made in the house during the progress of the businesses to which they relate.

No writer's name, nor any thing which indicates the

writer, appears in the MSS., but they have long formed part of a very large collection of family papers preserved at Claydon-house in Buckinghamshire, the seat of the family of Verney. Two members of that family sat in the long parliament; sir Edmund Verney, knight, a gentleman of the privy chamber and knight marshal, who was member for Wycombe, and his eldest son, sir Ralph Verney, knight, member for Aylesbury. These notes were at one time attributed to sir Edmund Verney; but a comparison of handwriting places it beyond all possibility of dispute, that they were not written by sir Edmund, and renders it equally clear that they were written by sir Ralph. This fact is so entirely incontrovertible that the notes are assigned to sir Ralph Verney without question or hesitation.

It is proposed at a future time to publish a selection from the valuable letters of sir Edmund Verney, sir Ralph, and several other members of the same family, which will afford an opportunity for throwing together the materials which exist for biographical notices both of the father and the son. In expectation of that opportunity, I will at present only add a few sentences in reference to their position in the political struggles of the period, which may have influenced sir Ralph a little in his work of taking notes.

Sir Edmund Verney's offices in connexion with the royal household attached him personally to the service of the crown, and thus placed him, in public affairs, in a

position of peculiar difficulty, for in many respects his own opinions and predilections were in direct opposition to those of his royal master. Sir Edmund was one of that numerous party of English gentlemen who dreaded the restoration of the supremacy of Rome as the greatest of all possible calamities. In the then existing state of the country, two circumstances excited their alarm and indignation: i. The Romish tendency of the ceremonial innovations of the "church papists," and, ii. The harsh sentences by which the star-chamber, the high-commission, and the ecclesiastical courts endeavoured to enforce religious uniformity. It was the object of the great party to which I have alluded to remedy these grievances, i. By removing from the service of the king those semi-popish counsellors by whom he was surrounded through the influence of the queen, and, ii. By transferring the temporal authority of the bishops to the church at large. But, whilst such were sir Edmund Verney's aims as a politician, and a member of parliament, a conscientious feeling of personal duty attached him individually to the service of his royal master. Although "known," as principal Baillie remarks,[a] "to be a lover of our nation," he followed Charles into the field against the covenanting Scots, and overwhelmed his family with anxiety by daring all hazards to defeat the army which they brought against their sovereign. In like manner, although he remained in the house

[a] Baillie's Letters and Journals, i. 215. Laing's edit.

of commons, and acted with the popular party, until war became almost inevitable, no sooner did the king summon his adherents to York than sir Edmund obeyed the call. "I do not like the quarrel," he remarked to Hyde the future lord Clarendon, "and do heartily wish the king would yield and consent to what they desire; so that my conscience is only concerned in honour and in gratitude to follow my master. I have eaten his bread, and served him near thirty years, and will not do so base a thing as to forsake him; and choose rather to lose my life (which I am sure I shall do) to preserve and defend those things which are against my conscience to preserve and defend: for, I will deal freely with you, I have no reverence for the bishops for whom this quarrel subsists."[a]

The melancholy forebodings of this honourable and chivalrous gentleman, "a man," says Clarendon, "of great courage" and "of a cheerful and generous nature," were too soon realised. He raised the king's standard at Nottingham on the 22d of August 1642, and fell bravely fighting in its defence at Edgehill on the following 23d October. The hand which grasped the standard was severed from his body, and was afterwards found on the field of battle, with some rings upon the fingers, which still remain in the possession of sir Harry Verney.

Sir Ralph Verney's political opinions were of the same

[a] Life of Edward earl of Clarendon, part ii.

school as those of his father, but his adherence to them was unrestrained by the considerations which operated upon sir Edmund. In sir Ralph Verney the struggle was of another kind. It was, whether in defence of that course of conduct which he esteemed to be politically right, he should put himself in opposition to his father, his brother, and many of his dearest friends. Papers still in existence prove that the struggle was an arduous one, but love of country triumphed, and the Verney family exhibited that awful but common calamity of civil war, father arrayed against son, and brother against brother;

"O heavy times, begetting such events!"

That sir Ralph Verney did not rush into this position without consideration, nor without an exalted appreciation of the justice and importance of the cause in which he embarked, is sufficiently proved by the following letter, which it is the more proper to publish in this place, inasmuch as, probably on account of its date, it has been kept together with the parliamentary notes. It is addressed to Alice countess of Barrymore, who was then in Ireland, and is printed from a draft in sir Ralph Verney's hand-writing.

9 June 1642.

Maddam,

You are soe hardned by this winters sufferings that neither fire nor sourd can fright you into England. 'Tis truth there's little left that may invite you hither, the unhappy distractions of this kingdome

haueing not only reduced our selves into a sadd condition, but made Ireland farr more miserable. Till these are setled heere, I shall not expect to see the rebells quiet there, espetially considering these distempers haue wrought soe many doubtings in the mindes of men, that I feare 'twill bee very hard to raise a considerable some of money, unlesse there doe appeare greater hopes of peace then yet are evident. Peace and our liberties are the only things wee aime at. Till wee have peace, I am sure wee can enjoy noe liberties: and without our liberties, I shall not hartily desire peace. Both these together may make us all happy, but on without the other, I must confesse can never satisfie,

Your ladishipps most humble and faithfull servant,

R. V.

Sir Ralph Verney lived to suffer many things from the friends as well as from the enemies of the cause he espoused, but these will appear in the selection from his correspondence which it is proposed to publish hereafter.

My absence from London whilst this book has been passing through the press has probably prevented me from giving these notes all the editorial illustration of which they are properly susceptible. I mention this circumstance not only to explain my own deficiencies, but to warn those who may use the book for historical purposes against placing too great reliance upon the completeness of what I have added within brackets.

The Camden Society is indebted to Dr. Bandinel, for the kindness with which he has assisted me in some inquiries relative to these notes out of the wonderful stores at his command, and their thanks are especially due to sir Harry Verney, not merely for the permission to use

these notes, and his other voluminous and important collections, but for the great pains and actual labour he has bestowed in examining, arranging, and facilitating the use of them. With a love and zeal for historical truth, which the Camden society ought especially to appreciate and admire, he has not merely placed his papers before me, as the representative of the society, but has aided in the publication of them in every possible way.

Considerable progress has been made in a selection from the letters extending from 1631 to 1642, but, it being more convenient to the Camden Society to publish the present volume first, the letters have been postponed for the present. They will probably be ready for delivery during next year.

JOHN BRUCE.

Clifton, 28th April, 1845.

NOTES OF PROCEEDINGS

IN

THE LONG PARLIAMENT,

TEMP. CHARLES I.

NOTES OF PROCEEDINGS

IN

THE LONG PARLIAMENT.

[1*st sheet.*

DECEMBER 1640.

GREAT MARLOW ELECTION COMMITTEE.

At the opening of the parliament there were two returns for Great Marlow; one of Burlace and Ipsley, the other of Burlace and Hobby. Burlace and Hobby took their seats, and a committee reported, i. That Mr. Burlace being named in both returns ought to be admitted to sit in the house; ii. That Mr. Hobby "ought to forbear the house" until his election was determined; and iii. That the undersheriff ought to be sent for as a delinquent. The house adopted the second and third of these recommendations, but went beyond the first of them by determining that Mr. Burlace was well elected, and a fit member to sit in the house. (Journals, ii. 23.) This was on the 9th November 1640, but on the 19th of the same month it was voted, after further inquiry, that the election was altogether void, and both Burlace and Hobby were consequently unseated. (ibid. 31.) A writ was then issued for a new election, when, fortunately for our knowledge of the proceedings of this parliament, Whitelocke, the author of the Memorials, was returned with Hobby. Burlace, who had been again a candidate, petitioned against the return of Hobby, and the following notes have reference to the proceedings before the committee to which, on the 1st December 1640, Burlace's petition was referred. The committee is mentioned several times in the Journals (ii. 41. 51. 62. 67.), but no decision appears. Mr. Hobby, however, retained his seat, and Mr. Burlace was elected for Corfe Castle on the flight of secretary Windebank. Whitelocke's return was protected on the 5th January 1640–1 by a resolution, "That whereas Mr. Whittlock was long since chosen and returned a burgess for Marlo Magna in com. Bucks, and that nothing as yet is come in against his election, that his election shall stand good, and not be questioned in this parliament." (ii. 63.)]

BURLACE *versus* HOBBY.

Exceptions against Hoby. Sheriffe. 46 Edward iii.

Letters pattents *pro custod. et*

Writ assistance *pro* Berks. Were deliverd before the election, *et* 3rdwrit, the writ of discharge; and that saies, Purfery is *nuper* sherife, *ergo*, Hobby is now sherife. Hoby taken noe oath. Brunkards case was overuld in starr-chamber.

HOBY *versus* BURLACE.

They procurd him to bee pricked, but hee confessed to the receipt of the writs. The day before the election.

BURLACE *versus* HOBBY.

Selby, sherife of Durram, was returned for Northumberland, and therefore hee was dismissed the house. Longe before, and Cooke was elected so also.

i. Unduly procurd voyses by invitinge to alehouses, &c.

ii. The baylife Moore unduly taken away by warrant and forbid to goe upp to the election, but elsewhere hee might goe whither hee would.

iii. Burlace had major part of such as truly have voyces at the election.

1. Chace prooves the invitinge of the poorest people that receive almes, 40 or 60 of them. Hobby strooke Chace for procuringe voyces against him.

2. The serjeant to Moore at the very election. And Hobby whoted at Moore, and reproved Chace for his forwardnesse, for now his fellow was gonn hee might goe after, and divers were deterred by this meanes from giveinge for Burlace.

JOHN MORE, SENIOR [AND JO. MEDDY.][a] That Hobby cald to the messenger to take him away presently, untell the election was past, though before, hee must not goe out of his sight for £1,000, and that it had beene £5 out of his way to have stayd on hower longer.

[a] The greater part of this note is written in ink, but these words within brackets were inserted by sir Ralph Verney afterwards in pencil.

And Hobby['s] agents told him hee should bee fetched away sudainly. That divers were deterd by this meanes from givinge voyces for Burlace. Three barrells drunke by a multitude, and that £14 was spent in beere and tobacco by Mr. Hobbys friendes.

Mr. Ipsley. Offerd £1,000 security to have Moore stay untell the election is past, but Hobby cald to take him away, and a shout was given, and then noe more voyces apperd for Burlace.

John Moore, junior. Hobby invited his neighbours, and Moore the baylife was hastily taken away, and threatned all that were against Hobby should goe away also. Broughton told Sherly old Moore should bee taken away just about the election, and that Hobbys party said they looked for the serjeant 2 houres sooner, and that the gentlemen feared hee would not have come.

Mathew Cane. That Hobby asked him why hee procured voyces against him. Hee denyinge it, Hoby strooke him over the face, and told him hee lied.

Burlace had 113 voyces, wherof 45 paid scot and lot.

Hoby 137,[a] whereof 27 paied scot and lot.

	Givers.	Not givers.	Almesmen.
Burlace	45.	47.	21.
Hobby	27.	49.	47, and nine inmates.

Mr. Hobies 47 almesmen proved to bee so by Moore and Chace and Cock, and soe are the nine inmates.

The warrant for election was not suffered to bee read in English. Proved by Ipsley.

William Eliot. That Hobby gave the messenger gold, and bid him not suffer Moore to goe out of his sight. This was given at the election, at the dore.

Ed. Welden, Hobbys man, said, "Mr. Chace is a baid fellow."

[*2nd sheet.*]

Hobby *versus* Burlace.

That a sherife may, by 14 Henry VI., and lawiers by the same may bee members.

[a] So in the MS., but the subsequent account shows only 132.

Hospitality to neighbours may not bee forbidden.

The receipt of the three commissions is confessed.

Moore had given his voyce before he was taken away, *ergo*, noe disturbance.

Inmates were alowed in sir Edw. Bishopps case against Mr. Anslow. If a shoppkeeper pay dues, though hee live in anothers house, hee shall have a voyce.

Ri. Langly. Hobbys almesmen pay to clerkes wages, watch and ward, and highwayes, and if they are not chargable to the common wealth they are to have voyces.

Thomas Broughton. That none of the 47 of Hobbys almesmen are almesmen indeed, nor doe they receive reliefe.

Thomas Ward is to bee put out of Burlaces note.

[*3rd sheet.*]

10th February 1640.

THE COMMITTEE OF 30 ABOUT CHURCH GOVERNMENT.

[On the 23d January 1640–1, "some six or seven ministers" attended the house, and presented a petition "on behalf of themselves and many others their brethren of the church of England, praying a redress of certain irregularities in the government of the church . . . to which was annexed a remonstrance, setting forth in particular those supposed irregularities." The petition was read, and was ordered to be further considered on the 1st February. On the 9th February the subject was again before the house on the consideration of the celebrated London petition against the government of the church by bishops, and, after a division of 180 to 145, sir Thomas Roe, Mr. Hollis, Mr. Palmer, Mr. Holbourne, Mr. Fines, and sir H. Vane were added to the committee of 24, and that committee was ordered to take into consideration the London petition and certain parts of the ministers' remonstrance, the house reserving to itself the main point of episcopacy. We have here a note of the proceedings of the committee. See Rushworth, part iii. vol. i. pp. 152, 165. Nalson, i. 735, 745, 773. Commons' Journals, ii. 77, 79, 81.]

The remonstrance read.

1. Church governers and officers are burdensume to all.
2. Not of devine institution, which they challenge.
3. Assuminge sole power of ordination and jurisdiction.
4. Largenesse of bishopps dioces.

5. Deligatinge there powers to deputies.
6. Incumbered with temporall power.
7. Noe supporters of prorogative.
8. Sole pasters of dioces.
9. Confirmation by them only.
10. Sole probat of wills.
11. Consecration of churches, &c.
12. Inhibit marrage at divers times.
13. Compose formes of publique praier.
14. Imposinge oaths.
15. Inforce subscription.
16. Comendams in bishopps hands.
17. The bishopps charge at consecration.
18. Scandelous bishopps.
19. Burdens by there servants, &c. and dependents, above 10,000.

Bishopps challenge themsellves to bee of devine right, in my lord arch-bishopps speech in starr-chamber,[a] and in bishopp Downhams booke about episcopye,[b] and bishopp of Exeters booke.[c]

A superiority in sole ordination, and sole jurisdiction, which are not in scripture or antiquity; by vertue of a distinct order superior to a presbiter.

Yeates his Mistery of the Gentells saies, bishopps are as imediatly from God as kings; though men may declare ther power, yet God gives it, and appoints them to ordaine all officers in the church as kings may doe in the state.[d]

[a] A speech delivered in the starr-chamber on Wednesday the 14th of June 1637, at the censure of John Bastwick, Henry Burton, and William Prinn; concerning pretended innovations in the church. By the most reverend father in God, William, lord-archbishop of Canterbury, his grace. Lond. 4to. 1637, and see Rushworth, part ii. vol. ii. app. p. 116.

[b] A sermon defendinge the honorable function of bishops. Lond. 4to. 1608.

[c] Episcopacie by divine right. Asserted by Joseph Hall, bishop of Exon. Lond. 1640. 4to.

[d] Imago mundi et regnum Christi, better known by its running title of, The Mystery of the Gentiles, by John Yates, B.D. minister of St. Andrews, Norwich. Lond. 4to. 1640. The passage quoted occurs in the Introduction, section 4, sig. f.

Swan 14 p. of his sermon. Hee calls them the bane of religeon that deny the hirarchy of the church.[a]

Resolvd on question, That the third article is a material head fitt to bee presented to the house to bee considerd off.

12th February 1640.

The ministers aleage bishopp Bilson,[b] bishopp Andrewes, bishopp White epistle to Treatise of the Sabbath,[c] bishop Davenent bishop of Salisbery, bishop Montacute, abetters of bishopps. Mr. Sydenham in a sermon tituled, the Good Pasture, page 299.[d] Dr. Pockington in two bookes.[e]

All these challenge episcopye to bee of devine right. By episcopye is meant, a sole power in ordination, and jurisdiction by vertue of a distinct order superior to a presbiter, which is not warranted by scripture or antiquity.

Ob. Preists are taken in to ordaine with bishopps.

Sol. These are only used as assistants and servants, for they have noe power to refuse any to have orders.

Mountacute sayes, in his booke intituled, *Orig[inum ecclesiasticarum]*[f], *tomo* 1, *parte posteriori*, page 463 and 464, no. 29, That none can be saved with[out] bishopps, because none can be made preists but by them.

[a] A sermon pointing out the chief causes and cures of such unruly stirres as are not seldom found in the church of God, by John Swan. Lond. 4to. 1639.

[b] The perpetual government of Christ's church, by Thomas Bilson, D. D. warden of Winchester. 8vo. 1593. The author was afterwards bishop of Winchester.

[c] A treatise of the Sabbath-day, containing a defence of the orthodoxall doctrine of the church of England against sabbatarian novelty, by Dr. Fr. White, lord bishop of Ely. London, 4to. 1635. Second edition. The prefatory epistle alluded to in the text is addressed to archbishop Laud, and contains much matter in reply to Leighton's Zion's Plea. The book itself is an answer to Theophilus Brabourne's Defence of the Sabbath-day.

[d] Sermons upon solemne occasions, preached, in several auditories, by Humphrey Sydenham. Lond. 4to. 1637.

[e] Sunday no Sabbath, by John Pocklington, D.D. Lond. 4to. 1636, and *Altare Christianum*, by the same author, London, 4to. 1637.

[f] A blank is left in the MS. The book referred to was published, London, fol. 1640.

Yeates saies, Citties, that are noe parishes but modells of the catholique church, have ever beene under on bishopp, whose dominion and lordshipp by devine right hath alwaies appeared in the ordination or appointment of pastors, and there punishment and the peoples when they have transgressed the lawes of God and the church. Page 101 and 102 in the second booke tituld, The Mistery of the Gentells.[a]

In primitive times bishopps did not ordaine or hold jurisdiction alone.

Ignatius, *Ad Trallianos, et Ad Magnetianos,* in his *Epile,*[b] prooves presbiters are coe-assessors of apostles and bishopps.

Cipprian, 5 *Epist. edi. Moreliana,* was woont to take presbiters and somtimes people to consult withall about ordination.

4 councell of Carthage about 4 century.

Cannons before the conquest. Sir Henry Spilmans booke *De Consiliis,* page 263, about 750 yeares after Christ, when Egbert was bishopp of Yorke.[c]

44 canon of the 4 councell of Carthage, saies, *Episcopus absque concilio presbiterorum clericos non ordinet.*

Canon 45. *Episcopus nullius causam audeat*[d] *absque presentia clericorum suorum, excepta causa confessionis.*

In the councell of Carthage: *Scententia episcopi non approbata concensu presbiterorum irrita sit.*

47 canon. *Firmum decretum esse non potest, quod non plurimorum videbitur habuisse concensum.*

Voted, That the challenge of episcopie *jure devino* as tis complayned of in the second article, which is a sole power assumed by bishopps in ordination and jurisdiction, by vertue of a distinct order superior to a presbiter, is a materiall head and fit to bee presented to the house.

[a] See before, p. 5. note [d].

[b] The concluding letters of this abbreviation of *Epistole* are doubtful.

[c] The reference is to Spelman's Councils, edit. 1639, vol. i. p. 263.

[d] So in MS. for *audiat.* A striking proof that these passages were written down as they were spoken, which will account for a few mistakes in these and some of the other extracts which follow.

15TH FEBRUARY 1640.

Ciprian. 33 *epist. editione Pameliana,* saies, *In ordinationibus clericis, fratres charissimi, solemus vos ante consulere, et mores ac merita singulorum communi consilio ponderare.*[a]

Ciprian was exciled, yet hee would not ordaine, but saies, *Hunc igitur, fratres dilectissimi, a me et a collegis qui presentes adderant ordinatum sciatis.*[b]

Permelianus[c] 75 *epist. Cypriano, Ubi president majores natu, qui et baptizandi et manum imponendi et ordinandi possident potestatem*[d]—in all these the *majores natu* did preside.

Seniores et prepositi conveniamus ad disponenda ea quæ curæ nostræ commissa sunt.[e]

That jurisdiction is not wholy in bishopps. *Cyp.* 6 *epist. Presbyteris . . . solus rescribere nihil potui,* hee would doe nothing alone, but did *in communi tractabimus.*[f]

28 *epist. ad clerum. Cui rei non potui me solum judicem* [*dare*] *cum multi adhuc de clero abscentes sint.*[g]

18 *epist. ad clerum. Quæ res cum omnium nostrorum consilium et sententiam spectet, prejudicare ego, et soli mihi rem communem vindicare non audeo.*[h]

Ignatius, *Epist. ad Tralianos, Quid vero presbiterium? Aliud est quam sacer cœtus, consiliarii et coassessores episcopi?*[i]

Texts out of scripture to prove that sole ordination and sole jurisdiction is not in bishopps, but the presbiters were equal to them in all things.

Those that have the same name and the same offices in scripture are all on. But bishopps and presbiters have the same name and office, *ergo,* they are all on.

For the name. Bishopp is first named xx Actes 28 verse, i Phil. 1 verse, i Pet. v. verse 1 and 2. Jerome.

[a] Cypriani Opera. Antw. 1568, fol. p. 61. col. 2.
[b] Ibid. p. 62. col. 1.
[c] So in the MS.
[d] Cypriani Opera, as before, p. 199. col. 1.
[e] Ibid. p. 198. col. 1.
[f] Ibid. p. 15. col. 1.
[g] Ibid. p. 53. col. 1.
[h] Ibid. p. 38. col. 1.
[i] These exact words have not been found in any translation I have been able to consult. That of Usher, Oxon. 4to. 1644, p. 71, is very near to them. The translation of the same passage by Vedelius is quoted in the next page.

Bishopp is a name of duty, and not of dignity. Augustine, *Civit. Dei.*[a] i Titus, 5. 6. 7. i Tim. iii. at the begining of the chapter.

Note, That whensoever a bishopp is named, a presbiter is left out, *quia*, beinge the same, it is comprehended under the name of bishopp.

A generall sole jurisdiction and sole ordination. xvi Mathew, 19. the key of doctrin, the key of power or discipline.

xx John, 22. 23. all ministers are the true successors of the appostles. xxviii Mat. 19.

Arch-bishopp[b] Whitteker saies, *clavis jurisdictionis* is inseperable from *clavis ordinationis*.

Presbyters are equall with bishopps, i Thes. v. 12. Heb. xiii. 17. i Pet. v. 1. 2. 3. i Tim. [v.][c] 17. i Tim. iv. 14. Presbiters and bishopps are all on.

Irenæus. *Lib. iv. cap.* 43. *Illis presbiteris obediendum est qui cum episcopatûs successione charissima acciperunt veritatem.*[d] *Et Cap.* 44. *Tales presbiteros nutrit eclesia, de quibus et propheta ait, Dabo principes tuos in pace et episcopos tuos in justitia.*[e]

Ignatius. *Epist. ad Tralianos. Presbiteri vero sunt concessus quidam et conjunctus apostolorum cœtus.*[f]

[i][g] Tim. iv. 14. Hands of the presbiterie. The appostle calls himself on of the presbitery. ii Tim. i. 6, laying on of my hands.

i Cor. v. concerning the incestuous person :[h] "Gatherd togeather," the act of excommunication.

Mr. Selden. Desiers to know what is meant by the sole power of ordination and jurisdiction; and what the bishopps now claime over persons, places, and things, or causes; and what power the presbiters had in the primitive times in these three things.

Dr. Burgis. All correction of manners *in salutem animæ*.

Susspention, excomunication, absolution from those censures.

[a] Lib. xix. cap. 19.

[b] So in the MS., but the reference is probably to Dr. Whitaker the controversialist.

[c] A blank left in the MS.

[d] Liber contra hæreses, p. 343, edit. Oxon. 1715. fol.

[e] Ibid. p. 345.

[f] Edit. Genevæ, 4to. 1623. p. 5.

[g] Margin of the MS. worn away.

[h] A blank in the MS.

Admission to benifices with cures, deprivation, degradation, and in some cases imprisonment.

What jurisdiction belonged to presbiters in the primitive times?

Dr. Burgis sayes, Many things now claimed by bishopps were noe part of jurisdiction in primitive times, as admission to pastorall cures, which was not donn by the bishopps alone, but by the bishopps and clergy, *concensiente plebe.*

17th february 1640.

Dr. Burgis. Ans. Jurisdiction is a distinct thing from ordination.

Governers, rule of government, and administration.

Ordinations, institutions, licences, dispensations, silencinge ministers, sequestrations, deprivations, degradations, and excommunications, and in these things the bishopps challenge a sole power, either by themselves or authority from them.

They claime not this by the kings lawes but *jure devino.* J. Hall 2ª *pars*, and bishop Carleton.

They doe these things by vertue of lawes, but they doe not confesse it. *Articuli cleri,* and Linwood in many places. They exercise jurisdiction *in cubiculo, non in foro,* which was never donn in primitive times.

What and wherein, in persons, places, and causes, consists the difference between a bishopp and a presbiter.

1. Constantine the first his time wee account the primitive times.

2. Consecrations and interdictions of churches, licences, sittinge and votinge in civill assemblies and judicatures, or acts concerninge matrimony or testamen[t]s were not used by the bishopps or presbiters in primitive times.

[*4th sheet.*]

1. In generall, all jurisdictions were exercised in common, and not by bishopps alone.

1. For persons. They were all them that were within the

church, 1 Cor. v. 12. The bishopp was as liable to censure as the presbiters.

2. For causes. Offences in matters of faith or manners. Doctrines hereticall or scismaticall. All offences against Gods lawes soe far as they were scandelous in any manner or degree. Brotherly admonitions. Bindinge of delinquents. Loosinge of the penitents.

3. For places, Ordinary or exterordinary. The ordinary place was the presbiterie or consistory.

'Tis on thinge to claime sole jurisdiction and another to exersise it solely. *Quid potest episcopus quod non potest presbiter*, saies Jerome. On was chosen to preside, but hee was not *jure devino*, nor *ex ordinis potestate, sed ex humano.*

The 4 *article. Largnesse of bishopps dioces. The inconveniences of it.*

Ministers are put to greate charge and travell, and bishopps courts are multeplied therby. They cannot dispatch soe much businesse themselves.

The 5 *article. Bishopps deligatinge there powers to unmeet persons.*

Two waies, as to young officialls, who contrary to the law of the land and law of God. Non but doctors of law are by law licenced to bee there deputies. 37 Hen. viii.[a] and 3 booke of Linwood. Power of the keyes is only given to ministers of the gospell, therfore noe layman is capable of a chancelourshipp, &c.

6 *article. Bishopps incumbred with temporall power and state affaires.*

They engraft themselves into civill corporations.

7 *article. Bishopps pretend to bee the only supporters of prorogative of the kinge.*

[a] Cap. 17. sec. 4.

But they exercise all there jurisdiction in there owne names and not in the kings.

8 *article. Bishopps claime to bee sole pastors in all parts of there dioces.*

Dr. Burgis was threatned to loose his livinge for stilinge himself pastor of such a place.

9 *article. Bishopps do confirme alone.*

Bishopps are to lay on hands by the ensample of the appostles, and some of them hold it necessary, and attribute more to layinge on of hands then to the prayers.

The liturgy inhibitts any to receive untell hee bee confirmed, and perhapps the bishopp will never bee at leasure, yet all are bound to receive at 16 yeares of age.

The 4. 5. 6. 7. and 8. articles are voted to bee materiall heads, and fit to bee considerd by the house.

19TH FEBRUARY 1640.

Confirmation is in Ed. VI. booke, and now laying on of hands is added.

Bishopps confirme little children, and old people, which they ought not to doe.

Noe necessity of confirmation, but much abuse.

B. Glocester forbids to marry any that are not first confirmed.

Bishopp of Eli the like.

Any minister may administer a sacriment, by[a] non can confirme but a bishopp.

The rubrick makes little lesse then a sacriment of it.

10 *article. Bishopps claime sole probats of wills.*

[a] So in the MS.

If a legacy be given to a silenced minister, hee is not capable of it by the bishopps law.

Bishopps had noe power in this in the primitive times.

Wid.[a] Venables gave 1,000 to divers ministers deprived.

Mr. Jones gave much money to the same purpose, but the arch-bishopp of Canterbury would not suffer it to bee given to them, but to other benificed ministers.

11 *article. Bishopps consecrate churches, &c. and make it necessary.*

The forme of consecratinge is not alowed by law.

Consecration is not necessary, but 'tis very chargable.

Bishopp Andrewes in a sermon on i Luke 5, saies, prayers made in a consecrated church are best, *non quia precatur, sed quia ibi precatur.*

Dr. Lawrence, page 5, in a sermon, speakes worse.

Noe humain institution can put any inherent holinesse into any thinge.

The Jewes temple was a type of Christ, but our churches are more like there synagogues.

12 *article. Bishopps inhibit marrage at divers times of the yeare, at least a third part.*

And this makes some thinke these times are more holy then others, and it is a greate charge to buy licences.

13 *article. Bishopps compose formes of publique prayer contayning matters of state.*

As at fasts, and the prayers against the honest Scotts; two ministers, Wilson and Bright, were suspended for not readinge it.

14 *article. Bishopps impose oathes as of canonicall obedience, ex officio, &c.*

[a] This word is doubtful in the MS. It may be 'Wild,' 'Widd,' or 'Wid.'

This is against law. Bishop of Chichester sweres men to obay the kings edicts, and somtimes to preach frequently.

The oath of symoney, there is noe law for it. Oath *de stando juri et parando mandatis ecclesiæ.*

Mr. Huntley, for refusinge to preach a visitation sermon, was deprived.

15 *article. Bishopps inforce subscription.*

And they extend this beyond the articles of religeon. Many hundreds were deprived for not subscribinge to the cannons made about 2° *Jacobi.*

They must subscribe to all bishopps injunctions *editis et edendis.*

16 *article. Bishopps hold comendhams and never come at them.*

As Manwaringe bishop of St. Davids and the bishopp of Chester hold 2 of £1,100 *per annum.*

17 *article. Bishopps charge at there consecration.*

But they observe it not.

18 *article. Scandelous bishopps in drinkinge healths.*

The bishopp of Coventry and Litchfield being invited to Dr. Warners now bishopp of Rochester, there were 4 healths begun, and Mr. Rawlenson was pressed to drinke them, and Dr. Warner, now bishop of Rochester, risinge and standinge in the middle of the table sayd, *Et stans in medio dixit, pax vobis,* and so he began the kinges health.

Bayley bishopp of Banger sayd to the bishopp of Eli, "*Eli, Eli, Lama sabachthani,* heere is to thee a health."

Bishopp of Glocesters men swere and daunce on Sundayes.

19 *article. The burdens of bishopps officers, and dependants and servants, &c. beinge above* 10,000.[a]

[a] On the 9th March 1640-1 Mr. Crew reported from this committee "three heads for

[*5th sheet.*

24th February 1640–1.

The earl of Strafford's answer to the articles of his impeachment.

The house of commons preferred in the first instance a general accusation of high treason against the earl. This they did on the 11th November 1640, and the earl was immediately committed to the custody of the usher of the black rod. On the 25th of the same November the commons sent up to the lords "Articles in maintenance" of their accusation. These consisted properly of seven articles as stated in the following note, and they are so numbered in a MS. copy amongst sir Ralph Verney's papers, although as printed in Rushworth (Trial, p. 8,) and Nalson (ii. p. 8,) they are made to consist of nine articles, the last two paragraphs being improperly numbered as articles of charge. On the 30th January 1640-1 a further impeachment, consisting of 28 specific and particular articles of accusation, was sent up by the commons to the lords. On the 23rd February 1640-1, the day limited by the house of lords for the earl to answer, he was brought from the Tower (to which he had been committed as soon as the commons delivered their seven articles), and gave in his answer in writing. On the day following a copy of his answer was transmitted to the commons, and a special afternoon sitting was held in order that it might be read to the house. At that sitting the several articles of the impeachment were read, one by one, and immediately after each article the earl's answer to it. We have here sir Ralph Verney's note of this important proceeding. "The answer," says Rushworth, "held three hours' reading, being above 200 sheets of paper." Trial, p. 22.]

First, an answere to the 7 first articles.

Hee hath faithfully served the kinge in all things. Hee hath mad divers good lawes in Ireland. Many parliments caled by his meanes, and many monopolies damned by him. Hee exercised nor had greater power then his predecessors. The kings just revenue by him brought from £27,000 Irish to £12,000 Irish.[a] Divers

the debate and consideration of the house, viz. 1. Their secular imployments [i. e. of the bishops] ; by which is intended, their legislative and judicial power in parliament, their judicial power in the star-chamber and commissions for the peace, and their employment as privy counsellors at the council table, and in temporal offices. 2. Their sole power in ecclesiastical things ; by which is intended, ordination and censures. 3. The greatness of the revenues of deans and chapters, the little use of them, and the great inconveniences thence arising." Rushworth, part iii. vol. i. p. 206. Commons' Journals, ii. 100.

[a] These numbers are printed as they stand in the MS. They should probably be £57,000 and £120,000. See Rushworth, Trial, p. 105.

lands purchased to the crowne. £2,000 *per annum* bought for the kinges use. Church lands restored, churches repaired, preachers preferred, protestants in Dublin increased. The army payed by the crowne. Trad encreased, 100 tunns of shippinge for one, pirates suppressed. English parliments advised by him.

The answere to the 28 articles.

i. Strafords executinge the new instructions and commission at Yorke; and were advised and procured by him.

Answere. The commissions and instructions hee thinks are like the old ones, and all alterations were only for explanation, and not inlarginge jurisdiction. Hee did not procure them. Sir Conniers Darcy lawfully fined. He hath ruined non, nor subverted the law.

ii. After hee had these new comissions he sayd at the assizes, "You are all for law, but you shall find the kings little finger should bee heavier then the loynes of the law."

Answere. The words are mistaken, for hee sayd, "The little finger of the law is heavier than the loynes of the kinge."

iii. Straford declared publiquely that Ireland was a conquerd nation; that there charters were worth nothinge.

Answere. Hee denyes the words charged on him, but might say that som charters were voyd, and did not bind the king.

iv. Lord of Corke was threatned by him to surcease his sute in law, and said, neither law nor lawiers should dispute his power, and acts of state should be as binding as acts of parliment.

Answere. Straford remembers not the words, but might say, orders made by him till they were reversed were binding, but remembers not the compayringe them with acts of parliments.

v. That Straford exercised an unlawfull power over the life of lord Mountnorrisse by sentencinge him to death by a court of war, and see to on more unknowne.

Answere. Hee denys the exercising any such power, but hee having power to use marshall law as his predecessor had, and lord Mountnorrisse speakinge words against him, his generall, touchinge his life, by about 20 officers of the army was condemned to dye, but hee did not give his vote. But Straford promised a haire of his head should not fall by it, and did accordingly procure his pardon, and would rather loose his owne head then Mountnorrisse should dye, and Mountnorrisse had but 2 dayes imprisonment. And for the other person, beinge hee is not named, nor certainly described, he cannot answere it.

vi. Hee dispossessd lord Mountnorrisse of the manour of Tinmouth uppon a paper petition without legall triall.

Answere. The sute had longe depended, and hee, with others assistinge, did make a decree against lord Mountnorrisse.

vii. Straford caused the case of tenures to bee made, and caused judges to subscribe it, and caused my lord Dillons land to bee taken away by that case, without legall triall.

Answere. An inquisition was found which intituld the kinge to [a] counties, and hee sent out a proclamation to make all pattents bee brought in to bee alowed or disalowed, and lord Dillons patent being questioned, hee desierd a case should bee drawn to avoyd further charge, and the judge[s] gave judgment against the pattent. Hee also denyes that any were put out of possession by that case.

viii. Straford requerd Loftisse to give upp the seall, and imprisond him for not doeinge it, and he would have forced lord Kildare to yield up his right to land. And hee forced my lady Hibbots to release her land and bought it himselfe.

Answere. Lord Loftis his cause had a legall hearinge, and then

[a] Blank in the MS.

lord Loftis appealed hither, and the kinge and councell decreed the lord Strafords decree, and Loftis was committed for not obayinge. An order was made for Loftis to bringe his seall to the councell board, but Loftis did not obay it, therfore hee was comitted. And the manour of Castle Lea was awarded by king James to lady Ofalia, and Straford only made Kildare obay that award. And lady Hibbots was found very much faulty at the triall, and it might bee shee was threatned if she would not conforme to the councell orders. Hee denyes that the land was bought for his use. And hee never did any thing alone concerninge freeholds, but for debts and such like.

ix. Straford made warrants to bishopps and there chancelours above and against law.

Answere. Such warrants were usually granted heertofore, and confesseth hee gave a warrant of assistance, and when it was complained of, hee recaled it.

x. Hee caused native commodities to be rated, after he had taken the customes, to high rates, as to a 4 or 5 part.

Answere. Portland shewed him hee was offerd £13,000 *per annum*, and he promised to advance the rent, and then offerd £14,000 *per annum*. Then hee said hee was offerd £15,000 *per annum* for it, and Portland would not beeleeve it. But Henshaw died, and Williams fell off, and then Portland offerd it for £13,000 *per annum*, but Straford found chapmen for the old rates, and then he gave £15,600 *per annum* and £8,000 fine for it. The rates were set before Straford rented the customes. Shipping much encreased.

xi. Hee restrayned native commodities to bee transported for private gaine, and then tooke money for licences.

Answere. He denyes he did it for private gaine, but says it was donne formerly. The price of licences enhaunced, and the money

went to the kings owne use. This brought £1,500 *per annum* to the kinge. This yealded former deputies 4 or £500 *per annum*.

xii. Straford inhibited tobacco, and sufferd non but himselfe to trade in it. Hee seased on all tobacco, and fined, imprisond, and whipped those that brought it in.

Answere. Tunang and poundage are the inheritance of the crowne by act of parliment. 2*s.* a pound was layd on tobacco in king James his time; the house of commons desierd it should bee imployd for the kings best profitt; Straford to advance the businesse lent a great some of money, which he is not yet repayed, and £100,000 *per annum* was raysed to the crowne by it. Hee did never cause any tobacco to bee seased, nor men find, whipped, or imprisoned for bringinge it in, and though 18*d.* was set uppon it, yet there was taken but 3 pence. The monopolly of starch, and iron potts, and glasses, were not brought in by him.

xiii. Flax being a native commodity, Straford made all of it to bee made into thred, which the people did not use to doe, and soe got the sole sale of that native commodity.

Answere. Hee endeavord to sett upp the manufacture of linen cloath, and chose rather to doe that, then to sett upp makinge of woolen cloath, least this kingdom of England [should be thereby prejudiced].

xiv. Straford imposed an oath on shipp-masters to deliver in a true noate, what they brought home in there shipps.

Answere. This was donn at the request of the farmers of the customes, and the judges thought it lawfull.

xv. Hee advised to reduce Ireland by force, and levied money on divers townes by force of armes, and billetted soldiers on those that would not conforme to his will, and signed warrants dormant for that purpose, and by force expelled divers subjects from there possessions untell they yeelded to his will.

Answere. Hee denies the levyinge money by force on any of the townes, but sayeth £120,000 was given to the army to bee payed in six yeares, and it was assessed, and it was agreed it should not be levied by processe, least it should bee made a president in after times, but the deputy should give warrant to every captaine to levy his owne proportion. And lord Corke, to ease his owne lands and tenants, layd it on other townes, and uppon complaint hee reduced it to the old rate, and some of it being unpaied, hee gave warrant to receive it, but how it was levied hee knowes not. But this money was usualy levied by force, and by billiting soldiers on the septs. Rebells have been brought in, and all this donn by concent of the councell. Hee denys expelling of any subject by force.

xvi. Straford obtayned a graunt that non should complayne heere untell hee were first acquaynted with it. And Straford made a proclamation to keepe all persons in the kingdome without his licence.

Answere. Hee confesseth the first, and saies it is very just, and concented unto by the councellours of both kingdomes; and confesseth the proclamation, but denied non to com over but lord Cork, lord Mountnorrisse, and sir Frederike Hamilton.

xvii. Straford sayd, the kinge was soe well pleased with the army of Ireland that hee would make it a patterne to all his three kingdomes.

Answere. Hee remembers not the words, but hee might say they were so well disciplined that the kinge would make them a patterne to his three kingdomes.

xviii. Straford restored masse houses; raysed an army of papists, about 8,000, and they were duly payd, but the protestant army was not in 12 moneths. Hee compounded with papists at easie rates.

Answere. Lord Corke had taken away the masse houses without

law, and the inheritance belonged to divers persons, soe hee restored them in a legall way, but how they have been since used hee knowes not. Hee confesseth the raysinge of 8,000 men by vertue of the kings commission, but how many of them are papists hee knowes not, but most of the officers are protestants. The fault of the non-payment of the old army belongs to the ministers in Ireland. Hee denyes the compoundinge with papists at easye rates, and in four yeares hee brought it from £2,300 *per annum* to £12,000 *per annum* which is duly payed.

xix. Straford imposed an oath never to disobay the kings royall commands, and fined those that refused to take it and imprisoned them, and declared this oath tied them to obay church orders and cerimonies, and would prosecute any to blood that refused it.

Answere. He doubted the Scotts [a] would joyne with the covenanters, and soe did others, and thereupon divers desierd to cleare themselves by an oath, and uppon this it was donn by order of the councell, and those that refused it may bee were prosecuted by the kings atturney and were fined [and] imprisoned, and he said those that would not submit should leave Ireland, and this was donn by the advise of the councell of England and by the kinge. He denyes the speaking of the prosecutinge of them to the blood.

xx. Straford hath endeavourd to raise a difference betweene the king and the Scotts, and caled the Scotts "rebbells and traitors," and if the kinge sent him back hee would roote all the Scotts out of Ireland, roote and branch.

[*6th sheet.*]

Answere. Hee denies the first, for the warr was begun a yeare before he cam out of Ireland, and when hee cam over hee found the

[a] That is, the Scotts in Ireland ; see after, p. 34.

pacification broken on both sides. Hee then advised for an army, and to call a parliment, and saies hee advised that the people should bee set in there ancient rights. Uppon this hee caled a parliment. And Trequair did relate the Scottish affaires before the body of the privy councell, and they all voted the demaunds unreasonable, and if reason would not bee yeelded unto they must bee reduced by force, and £200,000 was to bee raysed. Hee never caled the Scotts "traytors," but thought most of them honest men, and hee had noe intent to encite to the warr.

xxi. Hee advised to breake the pacification, and advised to breake the parliment, and rayse money by force, and would serve the king in any way, if the parliment did not supply him.

Answere. Hee denies that ever hee advised to breake the pacification, or advised for a warr; hee never advised to breake the parliment, but hee might say, if the parliment did not supply, hee would serve him in any other way, meaninge any lawfull and honest way.

xxii. Straford made the Irish parliment declaire against the Scots, and confederated with sir Georg Ratcliffe to raise an army and levy money by force, if the parliment did not supply him.

Answere. The Irish parliment gave four subsedies, without his procurement. The king appointed 8,000 men to be raysed, to keep the earle of Argile from Ireland. Hee sayed they should land in Cumberland purposly to disguise the designe of landinge them in Scotland. Hee denys that they were intended for the reducinge of this kingdom. Hee denys the speakinge of the words before layd to his charge.

xxiii. About Aprill the parliment did sit heere, and hee and the bishopp of Canterbury ordringe those affaires, Straford did advise the break of the parliment, and said, havinge tried the affections of his people, and since they refused to supply him, hee was loose from all rules of goverment, and that hee had an army in Ireland that might reduce this kingdom by force.

Answere. Hee denys all the article, but sayes, hearinge the parliment would not supply the kinge untell hee had eased them of there greevances, hee advised the king to abolish ship-money, and promise them redresse of all there greevances, and trust to the affections of his people, and this message was sent by secritary Vane; and though 12 subsedies were demaunded yet hee advised for 8, nay for 6, but it was not deliverd soe. Hee denies that hee did incense the king against the parliment. Hee denies the advisinge to reduce the kingdome by force. Straford, in case of necessity, said, the king was loosed from all rules of goverment, and saied, *salus populi est suprema lex*, but it must bee done in great necessity, and then it might become a pious and christian king.

xxiv. Hee said the kinge was not bound to humour the people in there frowardnesse. Hee advised a scandelous booke intituled "The Kings Declaration."

Answere. Hee denys the words, and the causinge the booke to bee printed.

xxv. Hee advised the kinge to sue the sherifs for not levyinge ship-money, and threated the citty for refusing to lend £100,000, and sayd, it would never bee better till some of the aldermen were hanged.

Answere. Hee thought the judgment good, and hee sayd that only to hasten the citty.

xxvi. Straford advised to stay the money in the mint, and to coine brasse.

Answere.[a] He denieth that hee did advise the staying the money in the mint; he was only of opinion that it was better to coine brasse than to raise gold or silver.

* * * *

[a] This answer is written in ink, and in the hand-writing of the first viscount Fermanagh, who was the eldest son and heir of sir Ralph Verney. Probably it was written over the original pencil note.

[*7th sheet.*]

THURSDAY, 4TH MARCH [1640–1.]

POSTMASTERS COMMITTEE. WITHERINGS.

[Various complaints against the postmasters were, in the first instance, sent to the committee of grievances, who appointed a sub-committee to attend to them, but on the 10th February 1640-1 the house converted the sub-committee into "a committee from the house," directing them "to take into consideration the rates and prices for carrying of packets and letters, and the several abuses of Mr. Witherings and the rest of the postmasters," with power to prepare a bill upon the subject. At the same time various members were added to this committee, amongst whom were sir Ralph, then Mr. Verney, "alderman Pennington, Mr. Cromwell, Mr. Crue," and other distinguished men. Com. Journ. ii. 81, 82.]

BEALE. Ro. Challoner gave a bond of £50 to Witherings, when hee fild upp the blanque order.

Hutchings received blanque warrants and orders from Mr. Witherings under the secritaries hands.

HIX. Saies, Collier told him hee gave £40 to Witherings, and soe saies another witnesse.

MR. GLOVER *pro* Witherings. These places only duringe pleasure, and put out by privy councell very often. Noe legall graunt, nor [b]

Stanhopes pattent being surrendered, all the posts places were voyd.

An order dated February 1598, by which stages were altred and discharged towards Ireland.

2 letters, of 5 November 1565 and 3 December 1565, by which divers posts are discharged towards Ireland.

Another letter of 25 February 1575, to discharge other posts towards Ireland.

Another letter, 24 January 1557, posts placed, and 9 August 1600, stages are layd by it.

23 October 1601, by which stages were layd and payment made to them accordingly.

[b] The MS. breaks off.

15 July 1613 posts layd in the west, where they had been usually heeretofore.

20 pattents to Randolfe, Mason *et al.*

Last July 1557, an order made to alter the wages of the posts from 2*s.* to 12*d.*, and from 12*d.* to 16*d.*, *ergo* noe freehold.

25 Aprill 1637, Stanhope surrendred his pattent, and then the secritaries became comptrolers of the posts.

An order without date, to discharge all the posts that are unnecessary and that executed by deputy, and then Witherings had nothinge to doe.

Witherings letter, 27 Aprill 1637, deputy-lieftenants assesse for the posts pay, and hee mooves to have it confirmed.

Paull Exall prooves, that about 3 *Jacobi* divers posts in the west were discharged by a letter from the lords, and by my lord Stanhope.

Stanhopps pattent 5 *Jacobi.*

Stanhope put in Beale, who is put out for not livinge uppon the place but usinge a deputy, and Collier is put into the place. But Beale might have had it for £100 to Witherings.

Now Witherings says, the councell put him out for executing the place by deputy, and the lords order non such should bee restord, and they have added and lessend the wages; now they had noe title but by the printed order, and that could not passe a freehold, and seing Stanhope hath surrendred his pattent, all the posts places are voyd.

Witherings had a freehold, but the posts had non, therfore, by law, noe releife, nor in equity, for the posts were at will only, and they payd nothinge for it.

The lords order forced all that should have Mr. Witherings place not to admit any that had used there posts place by deputy. If any are put out and loose by it, then 'tis *damnum sine injuria.*

Hee that hath possession hath right till hee is put out by on that hath a better right.

Though parliments releeve often when neither other legall or

equitable courts can releive, yet in this case, being the estate determined, and noe deputy of an office of trust can make a deputy, unlesse it is in case of absolute necessity.

Though Stanhopps pattent was extorted from him by the lords, yet that is no crime in Witherings, and[a]

My lord Stanhopps deputies made deputies, soe they had nothing to doe in the office, for they were but deputies to deputies, *ergo*, they ought not to have reparations.

Beale, the post for Chester, dwelt at Winsor.

Challoner, the other post, had assigned his place to his sonne.

MOUNDAY, 8TH MARCH [1640–1.]

POSTMASTERS COMITTEE.—WITHERINGS.

Westerne posts.

RI. HILD.

MR. CLAY. The postmasters places worth £38 or £40 *per annum* on the westerne road.

MR. PIMBLE. Prooves the same value, and sayes hee was put out about 5 yeares since. These men caried for 6*d.* a letter.

MIHELL HERRINGE. In generall pakets Withering tooke almost as much more, but single letters are all on. He payes £80 for £60 *per annum* by way of encrease. Letters opened. And hee would not deliver the letters without payinge these high rates. Hee made him pay twice for postage. Post is not payd.

MR. RITCHBELL. Prooves the like. £520 *per annum* taken from these poor westerne posts, who had *mercedem pro oppere*, without any greevance.

Lord Stanhope payed the kinge 100 marks *per annum* for his place.

The kings pay was £4000 *per annum*, and now 'tis but £2050 *per annum*, and now they carry the kings letters and Witherings male too.

[a] MS. leaves off abruptly.

The posts are 4 moneths unpayd. To the northerne road, Chester road, Kentish road, and the westerne road. In Witherings time.

15TH MARCH 1640.

WITHERINGS COMMITTEE.

If Burlimaky[a] will give an account, then the postmasters shall bee payd out of the letter office or the forraine office.

After a petition is heard and voted or rejected, 'tis against order to receive it againe, untell a report is made of the matter to the house.

[*8th sheet.*]

[1640–1.] 12TH MARCH, FRIDAY.

[COMMITTEE UPON THE COURTS OF JUSTICE.]

2 February 19 *Jacobi.* Sir Rob. Vaughan convayd his land to Ed. Vaughan. The day after, hee by will and[b] gave him his personall estate.

Sir Rob. Vaughan died 2 July 1624.

30 July, Herbert Vaughan borne.

A bill by sir Will. Herbert in the marches to take the possession from Ed. Vaughan.

Vaughan, 5 September 22 *Jacobi,* answerd the land was settled to him by deed, and the 7 September the cause was heard, and ordred to deliver possession before 28 September, and answere better. But Ed. Vaughan obayed not this order.

1 October, Herbert put in a nue bill uppon the breach of the order, and a comission granted.

An order for the sherife to deliver the possession.

11 October, hee offerd to take possession but failed.

[a] Burlemachi was at this time "postmaster of England." Com. Journ. ii. 38.

[b] So in the MS.; but the word "gave" is written upon an erasure which was probably meant to have been extended to the "and."

2000 men cam to take this, and a man was killd and 16 hurt, and possession taken.

The marches had noe jurisdiction of this businesse.

The order for possession was naught.

Uppon the second bill, before processe served, an unjust order to give any the possession.

Ed. Vaughans witnesses were made defendants to take away there testimoney.

Noe fraud nor force in obtayninge the possession, but 'tis pretended to bee in gettinge the deeds, and this is contrary to the instructions. Yet an order was made to deliver the possession.

An information in starr-chamber for forgery.

16 lords heard it, and 10 dismissed the bill, and found noe hurt in the deed, but 6 suspected the deed. 2 lords rectified there votes, and the bishopp of Winton was not at the defence in 2 dayes hearings.

The first sute could not bee judged untell the second was heard.

The court of wards would not admit any traverse, because the judges and jury were of soe good quallity. But if Vaughan would put in a bill against the commissioners hee should have damages against them, but though hee did this, yet the bill was cast out with 40 marks costs.

RESOLVED UPPON QUESTION, That the court of marches in turning Mr. Ed. Vaughan out of possession was illegall and unjust.

[*9th sheet.*]

19TH MARCH 1640.

SHARPE AND HILTONS PETITION AGAINST MR. WILDE AND SIR HENRY SPILLER.

MR. RECORDER. They were comitted by Whitteker by the comand of Windebanke. Bayle was tendred; referd to Whitteker to take the bayle.

Mr. Baker, the cunstable. That Wild disdaynd the warrant and kept it from the cunstable. There was noe miscarrage by these men that serched. Sharpe wished the close-stoole in his mouth. Wild asked, what justice durst grant a warrant to serch his house.

Harris and Surton. Say the serchers carried themselves farly, and Wild asked, what justice durst serch his house.

Sharpe and Hilton lay 9 weekes in prison. Noe baile to bee taken without Mr. Wild gave way to it. Lord Nuburgh meadiated but did noe good, but say all was carried with an high hand. Wilds servants sayd, they should rot in prison if they did not subscribe the submission.

Mr. Holland. Sayes Wild would have there noses slit and faces branded. Wild gave the foule submission to Holland.

Mr. Adams, councell for Wild. Sayes he did not procure the committment.

BARTON AND ATWOODS PETITION AGAINST SIR H. SPILLER.

For takinge children in ward and breedinge them papists, and marrying them to papists.

Ri. Anderton. The grandfather desier sir Spiller to seaze the children.

Rastall. Sayes on of them married a recusant, on Bray.

[10*th sheet.*

23rd March 1640–1.

TRIAL OF THE EARL OF STRAFFORD.

The trial of lord Strafford commenced in Westminster hall on Monday the 22nd March 1640-1. The first day was occupied by the public reading of the impeachment and the earl's answer. On the day following, to which the following notes refer, Pym, the chief manager for the commons, opened their case, and proceeded to call evidence to three points raised in what is termed 'the preamble to lord Strafford's answer,' that is, his answer to the seven articles (see p. 15.) The three points were, i. lord Strafford's punishment of members of the Irish parliament for votes given in that assembly. ii. His billetting soldiers upon the people of Dublin as a way of compelling them to pay money, and iii. His tampering with the public revenue for his own private advantage.]

Breach of priviledg of parliment.

Sir Pierce Crosby. Excepted against by Straford. Noe competent witnesse. Sentenced in starr-chamber for practicing to take away my life, in killing a man,[a] and broke prison, and appeard not till now.

Maynord. Noe good exception. Hee is for the kinge. Though hee were crimious in on thinge, hee may bee a witnesse in another.

Sir John Clotworthy. 10th *Caroli* in parliment did vote against a bill, and Ratclife told him, "Have not you a lease in such a place?" Hee answerd, "Yea." Ratclife answerd, "Remember that." Crosby was sequesterd. Ratclife sayd it was not councellor like.

Lord Raynelow. 10th *Caroli* Crosby was charged at councell board for voting against a bill in parliment, and was sequestred from the board for it, and was charged by my Lord Straford; fin'd.

Question. The deputys office is to propound things at the board?

Waniford and Ratclife moved it in some proportion.

Lord Mounorris. Crosby removed for voting against a bill in parliment upon Ratclifes motion. Straford voted for it.

Nick Barnwell. Ratclife told him he should have 500 men layd on him. This was spoke in November 1640.

Billingtinge soldiers.

Mr. Irons. Dublin payes £45 a month, and there charter is to free them. Foote and horse-guard. Noe horse, but only lodgings for foote.

Straford. Desierd the remonstrance of both houses of parliment in Ireland should not bee read, being not in the charge against him, but it was overruled, beinge atested by lord Digby and Baltinglass.

[a] That is, Crosby practised to take away Strafford's life, by charging him with having killed a man. Trial, p. 109.

First, the lords remonstrance read.

[Straford]. Faction and conspiricy charged on the house of commons heere, and on the house of lords in Ireland.

This was excepted against and reserved.

Remonstrance attested and read.

[*Tampering with the revenue.*]

Sir Edward Wardour. Easter Terme 1621, or 31 March 1620, was the last time that any money was sent into Ireland, but for the navy.

Sir Robert Pye. Sayes the same.

Lord Mountnorris. Most part of the navy charge was taken off before Straford came into Ireland.

Sir Adam Loftis. Tooke Strafords and Ratclifes bonds for £24,000 *in anno* 1638, and payd since this parliment began.

Straford. Desierd time to answere this preamble, beinge hee never hard of the remonstrances till now.

The lords adjorned to consider it, and returned that hee must now make answere to it.

Straford answerd. i. The statue of wills and uses hee brought into Ireland, and fraudulent conveyances. ii. More parliments in his goverment then in 50 yeares before. iii. Hee had noe share in any monopoly unlesse tobacco, which hee conceives noe monopoly. iv. Noe more power in Ireland than his predecessors. v. The revenue of Ireland not able to answere the expence, but £20,000 *per annum* contribution did supply it. £100,000 debt paid; £100,000 left in the exchequer; £15,000 and £10,000 to buy land, and other money otherwise; and heere is the £300,000 of the six subsidies.

Sir Adam Loftis and Lord Dillon examined, but not uppon oath.

[Pym]. 'Tis granted the ordinary revenue did not support the kingdom, but with the helpe of the contribution it did.

[Straford]. Crosbys regiment taken off, and the money went to the navie, but now 600 horse are in their steeds.

£15,000 out of the exchequer and noe more. Hee did borrow the £24,000, but 'tis payed, and hee had the kings warrant for 40,000 for 3 yeares. The lower house hath made orders to take and sell his tobacco, soe that hee knowes not what is left.

Hee alwaies submitted to the major part of the councell.

All the good donn to the church was donn for conscience, and not to please the bishopp of Canterbery. Bishopps in the king's guift and not the deputies, but hee recommended Bramhall to the king, but hee knew non of his faults. The bishopp of Derry is a very able man, hee will answere noe more for him. Quinn had but about £30 *per annum* and hee was recommended to him by my lord bishopp of Derry. Straford preferred deane Graham, Mr. Tilson, Dr. Margets, Mr. Forrer, dean Cresse, Mr. Roades, Dr. Wentworth, Dr. Price, Mr. Thorpe, Mr. Barry, and all this was donn without there asking. Hee referrd to the primate of Ireland. More protestants in Dublin then there was woont to bee.

The deputies have ever denyd Dublin charter. The army was ever billited where the deputies appointed.

100 tunns shipps for on encreased. The customes on the same booke of rates encreased from 13 to 40 thousand pounds *per annum*.

Jures fined for goinge contrary to evidence, for there preists leade them to any thinge.

Hee gave noe warrant, or directions, to expend any money last yeare in Ireland. The £50,000 last yeare sent from home, sir Adam Loftis must answere for it, but £14,000 was not paid; noe want, being £100,000 in the exchequer.

Hee never cosened the kinge in the customes. Noe clauses of defalcation, but what other farmers had.

The accusations proved by Clotworthy, Ratclife must answere.

Hee never knew of the preamble in the act of subsedies. Hee consents now to have it taken out of the act.

Crosbys hand at the bill that was transmitted, and then voted against it in parliment.

For conclusion, hee protests hee meant noe harme to the house of commons heere or parliment in Ireland, and desiers his protestation may bee accepted.

Mr. Pim. That noe cource of the councell table can take away the priviledge of parliment.

[1640–1] 23rd[a] MARCH, WEDNESDAY.

[TRIAL OF THE EARL OF STRAFFORD CONTINUED.

The proceedings on the third day of the trial consisted of the opening speech of serjeant Maynard, and the production of evidence in support of the first and second of the 28 articles of charge.]

My lord Stuart.[b] Declard that sir Perce Crosby must be sourne and examined, notwithstanding my lord Strafords exceptions against him.

[Mr. Maynard.] 16 *Jacobi* lord Sunderlands comission in the north, ordinary. 4 *Caroli* the same. And at 4 yeares end hee gets the power of the star-chamber, and no prohibition to bee granted against his instructions.

Noe fines to bee payd, noe officer obayed.

At Yorke hee sayes, "Some justices are all for law, but you shall find the kings little finger heavier then the lines of the law."

At Dublin hee sayes, "Ireland is a conquerd nation, the king may use them as hee list, there charters all voyd."

A peere for suinge for justice was threatned, and sayes, noe law nor lawiers should dispute his power, and an act of state should bind as much as an act of parliment.

Lord Mountnorris judged to death, and Bennet executed, by marshall law.

9 *article.* A warrant to bishop of Downe and others to imprison any that would not appeare.

[a] So in MS. but it should be the 24th.

[b] Thomas earl of Arundel and Surrey, the lord high steward.

Impositions on the subjects. The customes hee raised to almost the whole value. Hee payes £10,050 rent; £4,550 duches Bucks, and the kinge £11,000 *per annum*. £3,400 *per annum* wine; £1,500 Londonderry; seisures £250; and these were defalcations besides £12,000 increase of customs.

Flax, a woemans comodity, engrossed by him.

Hee levied warr against the kinge.

Hee sent serjants at armes and soldiers to execute his decrees.

The papists made [a]

The Scots in Ireland by oath compelld to obay all the kings royall comands, and fines the refusers. Hee calls Scots "rebells," and threatenes to root them out, "roote and branch."

The parliment heere broken, and advisd the kinge, that, having tried the affection of his people, hee was absolved from all rules.

Of 23rd article. Reducinge the kingdom by force.

[11*th sheet.*

ABOUT MARCH 1640–1.

The following notes relate to an inquiry before a committee which is alluded to in the journals on the 8th March 1640-1 in the following words, "Ordered, That the committee concerning Mr. Poole and Mr. Rich do meet this afternoon at two of clock in the exchequer court." (Journals, ii. 99.) Two previous entries relating to Samuel Rich, clerk, may possibly refer to the same matter. One allows him to withdraw a petition which he had exhibited to the committee for courts of justice, the other orders certain deeds to be delivered back to him. (Journals, ii. 65. 68.)]

Pro POOLE *versus* RICH.

Queen Mary was seized of the manour of Northcerny, and Rencorne and Woodmanton, *in com. Glocester*, with the advowson of the church appendant.

2 of her reign she grants it to Edward lord Stafford.

18 *Eliz.* To Taylor, from him to Davis.

27 *Eliz.* From Davis to Holliday.

35 *Eliz.* From Holliday to Poole.

[a] The MS. breaks off abruptly.

41 *Eliz.* 17 August. A revertion out of the crowne to Evered.

41 *Eliz.* 18 August. From Evered to Richard Poole, and a fine from Staford to Poole.

8 *Jacob.* From Poole to Gastrie.

10 *Jacob.* From Gastrie to Knightly.

13 *Jacob.* The rent advoydanced and granted from Knightly to Edmund Escut.

Memorandum. If Rich will disavoy the title uppon the extent 45 Eliz., then Poole shall disavoy the title uppon the extent 41 Eliz. from Poole to Taylor. The elegit filed by order of the common pleas, and it was assigned over to sir William Masters 2 Car. The moity of the manor and the advousion was extended, and by the sherife given to Poole, and institution given to Poole on Masters his title dated 10 Car.

A deed dated 36 Eliz. whereby it appeard

Pro RICH *versus* POOLE.

6 *Car.* 8 Octob. An institution from lord Arundell, lord Staffords gardian, to Rich, and this was confessed to bee interlined after it was sealed a blanque.

36 *Eliz.* There was a question whither the advousion passed from lord Stafford to Poole. A letter under Richard Pooles hand and seall that the advousion should not passe from Stafford to Poole, at which time Poole was seized of Northcerny. This letter was proved by comparing it with Pooles hand to other deeds, and Morise Covill hand, and came amongst my lord Staffords writings. Lady Stafford saies she kept this letter 17 yeares.

Another writinge pretended to bee in Prichards hands to the same purpose, which 'tis pretended Poole stole away and left a noate of it in the box. But Prichard saies this noat was a coppy.

The court orderd, if the deed of 36 Eliz. were proved, then there should be an injunction to stay proceedings.

This deed was confessed to bee had by Poole but now lost, soe the injunction was continued.

Edward lord Stafford was grandfather of Henry lord Stafford, and the now ward, whose guardian my lord Arundell now is.

Broad enjoyes the advousion of Rencorne under Richard Pooles title, and though lord Stafford did beginn a sute in chancery for it, yet hee never prosecuted it.

Prichard makes an affidaved that much prejudiced Mr. Poole about the writinge hee stole away from him. Soe Prichard shall bee sent for by a warrant.

Qu. Richard Poole averes he never made such a deed as is pretended to bee made by him like a letter, in the maner of a provisoe that the advousion should revert to lord Stafford, and farther denieth hee madd any such deed to my lord Stafford for that purpose.

[In the margin of this paper are written the following queries and note.]

Qu. The deed had a seall.

Qu. Prichard knew it a true coppy.

Qu. If other lands mentioned in that deed not to passe bee not unenjoyed by the purchacers.

Qu. 9 Jan.

The lord Staffords offices say they died seased of the advousion.

[12*th sheet.*]

MOUNDAY 12 APRILL 1641.

[PROCEEDINGS AGAINST THE EARL OF STRAFFORD.

Evidence given in the house of commons respecting the finding of sir Henry Vane's minute of council.

On Saturday the 10th April, 1641, a great storm arose in the course of the trial of lord Strafford, on occasion of a desire urged on the part of the commons—whose proofs had been considered to be closed—to produce further evidence in support of the 23rd article of the impeachment. Lord Strafford contended, that, if this were allowed to the commons, it should be competent also for him to produce further evidence in his defence, and specified the 2nd, 5th, 13th, and 15th, as the articles to which such further evidence would apply.

These numbers which occur in the following note probably refer to that dispute. The commons were extremely dissatisfied with the decision of the point by the lords; and "suddenly a mighty noise followed, of the whole house of commons calling out, 'Withdraw! withdraw!' which they did, with those eminent symptoms of displeasure, and in that tumultuary confusion, that it produced fear and wonders in the spectators . . . nothing but anger and resentment seemed to sit upon men's faces, and a certain dismal expectation of the effects of a distempered state." (Nalson, ii. 102.) Upon the arrival of the commons in their own house, the doors were shut, the key was "brought up," and Pym then produced the celebrated minute of council taken from sir Henry Vane's cabinet by his son, in the way mentioned in the following important note. The result was the immediate introduction of the bill of attainder against Strafford. (Commons' Journals, ii. 118.)]

Mr. Coggin. Saies there are 2 studdies in sir H. V. house, the higher of which was comitted to his custody. In the higher was 2 cabanetts, and in the lower, about September last, younge sir H. V. came to him for a cabanett, and perused it 2 or 3 daies. Coggin had noe direction from old sir H. V. to open the studdy or cabinet. Younge sir H. V. told him hee had the key of the black velvet cabinet, and therfore hee bid him send it downe, and it was donne accordingly. Hee told him hee had a letter.

Young sir H. V. Shewd him a letter, and the key, and asked him if hee had any cabinet that the key would open, and hee told him hee had. Hee told him hee was to sort some writings of his fathers.

Mr. Coggin. Saw noe letter. Hee does not remember his seeing any key. Told him of the black velvet cabanet he thinkes, and knowes not whither he went with him into the studdy or not.

Young sir H. V. Denies that ever hee was in the studdy. Hee knowes not absolutely the rest of the particuler circumstances.

Sir Henry V. Movd the king to burne the papers, and the king consented to it.

2. 5. 13. 15.

Mr. Maynord. Reported from my lord Strafords comittee.

A conference with the lords about the earle Straford and confederates with him lately discoverd.

Heads. 1. Make a naritive of the evidence intended to be given

on Saterday, about which the house did withdraw for farther directions. That which 2 members were ready to depose.

2. The house having taken consideration therof, did then and there conceive it very materiall, but in regard of the dainger and destractions of the present times, and that much time might be spent about the admittinge of that evidence, they resolve to come to a generall vote, and to lay this aside for the present, that the businesse may come to a speedy conclusion, for the losse of time may bee of much dainger and ill consequence, as they conceive.

3. Uppon occation of a paper read by which it appeared that others confederated with him, [about the Irish army as the B: and Cot:].[a] The desier to joyne in some course to prevent daingers. The councell serched to discover. The councellors removed from giveinge such councells, and there persons secured.

[13*th sheet.*]

13TH[b] APRILL 1641.

[LORD STRAFFORD'S DEFENCE.]

MY LORD STRAFORD did sum upp his evidence.

Hee desiers his distractions may bee supplied by the lords judgment and justice.

The commoners say every article conduceth to treason, but hee could never find that poysond arrow or deadly wine. There is a specificall difference between treasons and misdemeanors.

Constructive treasons, a longe time straingers.

Statute treasons, the lords only can judge that.

Common law treasons.

15 *article.* 'T is urged the statute treason is in the 15 article.

[a] The words within brackets were probably an after-insertion by sir Ralph Verney. They are written in pencil, but in a sharper, clearer character, and more carefully, than the remainder of the note, which looks as if written in great haste, and perhaps in some excitement. By "the B: and Cot:" I understand "the bishop, i. e. the archbishop of Canterbury, and lord Cottington."

[b] Rushworth says that lord Strafford summed up on the 12th (Trial, p. 633); but it could be proved in many ways that sir Ralph Verney is right.

Levyinge money on Baltimore and Bandenbridge is not proved. Dispossessing men in Idough was the act of the councell rather than his.

Savills warrant is not shewed. Non can swere it a true coppy, and Savill speakes to excuse himselfe. Then hee answeres, as hee did to the 15 article, there are only negatives provd against him.

'Tis noe treason to gather the kings debts that way, and how is it then to doe it to those [who] disobay the kings lawes, which concerne him nearer.

If it bee treason to lay 5 or 6 soldiers on a man, what shall become of the soldiers in Yorksheire, where they all eate uppon the country?

Pigots warrant is not shewed, and Bernes businesse was when hee was in England.

23 *article.* There is only my lord Ranilowes feares.

Sir Henry Vaines words sourne. Hee spake dubiously, for hee promised plainesse, but spake but to the best of his remembrance, and afterwards swore the very words, or to that effect. But hee is a single witnesse, and all the rest of the juncto remember noe such thinge. These words were spake 5 May, and the Irish army was not raysed till 15 June, *ergo,* I could say noe such thinge as, "You have an army in Ireland, &c." Hee hath proved the designe to bee for Scotland.

27 *article.* Where 4 musketeers cominge for there pay.

Sir William Penimans warrant is shewed for this, but noe warrant of his produced, either by them or Peniman. All was don by concent of the country, and not by force.

Sir Edward Osbournes warrant uppon paine of death is shewed, but he was not at Yorke when this was sent out, nor knew of it. Hee apeales to him.

Constructive treasons. Expressed in the first of the 7 generall articles.

Hee considers the wisdom of our ancesters that set bounds and pillers to this monarchy. If you winde but this to high.

14 yeares hee strived to proceed *in viis antiquis.*

For his religeon, they have acquitted him.

For subvertion of law, hee hopes to bee acquitted heere.

The words. First provd are the 3 article, saying "Ireland a conquerd nation." 'Twas sayd heere, and yet hee noe trator.

"There charters voyd." Lord Gormastown and lord Killmallock are not brought to him.

Non of there charters were ever hurt by him, *ergo,* words only.

4 *article.* The words, "Neither law nor lawiers to dispute his authority."

Lord Corke only swore to this, and hee did mistake, and is a party greeived.

In 7 yeares time these are only the words that can bee proved; hee hopes for remission for these.

2 *article.* Words in England, about "finger and loynes."

The witnesses tell not the occation of the words.

Sir William Peniman sweres the truth. They prove the words, hee proves both words and the occation, but perhaps hee spake foolishly; hee will bound his tonge within dores.

21 *article.* Words in England.

Hee hath not seen a weaker proofe.

Lord primates testimoney only a single testimony, and hee only speakes of an oppinion.

Lord Conways words are not cappitall, and hee a single testimoney.

Sir Henry Vaine spake the same words, in saying, "If the parliment supplied not, hee would serve the king in any other way[a]," as well as hee, and noe hurt in them, for they are supposed to bee lawfull wayes.

23 *article.* Words in England, "Absolved before God and man."

Lord Bristolls words sourne are only a discourse.

Frowardnesse is not within the charge, and hee a single witnesse.

[a] Was in MS.

Lord Nueburgh only a single testimoney.

Two witnesses have not agreed in any on thinge, but the words were not very ill.

Lord Holland, testimoney the same.

Lord Northumberlands testimony ("absolved" being left out) makes for his defence.

The ship-money arguments make for him, and say more then this. Propriety may cease, as in case of burninge, wars, &c. and this noe treason. Hee sayd, the necessity being over, in honour and justice, the king must by parliment set right the propriety of his subjects.

25 *article.* Words in England, "Aldermen fined and ransomd, and som hangd upp," for not giveing upp names.

Hee confesseth "fine and ransome" as lord Berks proves it, in saying, "they might bee liable to fine and ransome."

Alderman Garroway sayd, "till hee were hanged." The words spake to the king, but hee had more reguard what he sayd to his master. Hee denies the words.

26 *article.* Words in England, "The citty was undutifull, and more ready to helpe the Scotish rebbells then the king."

The brasse money and mint are not proved at all. Hee told the marchants he knew it not. Hee expressed soe many good words of them for lending £200,000 at Yorke, that hee did thinke hee had fully satisfied them for it. Hee confesseth it an unadvised speech, and very unwarrantable.

The words to lord Cottington. The words cannot bee fully proved, and 2 witnesses heard it not.

5 *article.* Actions. Mountnorrisse his sentence.

The answere to it. Noe party to that sentence. All martiall law being condemned, hee cannot soe well answere it.

Denevets sentence. The answere to it.

6 *article.* Actions. Railstons case.

The answere to it.

7 *article.* Waved ; *and 2 part of the* 8 *article.*

Last part 8 *article.* Actions. Lady Hibbots case.

The answere to it. Let not his particuler case prejudice the crowne of England in lessining the deputies power in Ireland.

9 *article.* Actions. A warrant to the bishop of Downe and Connor.

The answere to it.

10 *article.* Actions. The customes.

The answere to it.

11 *article.* Waved.

12 *article.* Actions. Tobacco.

The answere to it.

13 *article.* Actions. Flax.

The answere to it. Provd by a single witnesse. Hee never would doe any thing for 4 nobles on a load of yearne.

14 *article.* Waved.

16 *article.* Actions. Noe complaint against him but first hee must know it.

'Twas only to avoyd an excessive charge and trouble in comming over on every clamour to make an answere. 'Tis against law for natives to goe out without leave. 'Twas the desier of there agents about 16 yeares since. 'Twas to prevent all commerce with Doway and intelligence with trators. Parry justly sentenced.

17 *article.* Waved, and might as well have been left out.

18 *article.* Actions. Favoringe recusants and drawing a party of papists, and abusinge the commission to compound.

This is not proved. Hee desiers to bee vindecated.

19 *article.* Actions. The oath forced on the Scots.

The answere to it.

20 *article.* Actions. An incendiary *inter* Scotland and Ireland, and sayinge, " Roote and branch should be cut."

The scholmaster and Loftis differ in there testimoneyes, and but single witnesses to severall words. Hee denies the words, and sir R. Manwaringe sweres he heard them not at that time. His fortune little betterd; and that, before hee served the kinge, sir H. Vaine and hee were both for warr.

21 *article.* Actions. About breach of the parliment. The answere to it.

24 *article.* Waved. About the kings declaration.

28 *article.* Actions. Waved. Betrayinge Neucastle to the Scots, and the kings army to the slaughter.

Hath hee been hitherto charged as an incendiary, and now as a confederatour? Heere the articles clash. His confederates have used him unkindly. The defeate at Nubourne was to secure Newcastle, yet that is part of his charge. Heere the articles clash againe.

These actions are urged to bee treasons accumilative. Hee is accused uppon a law unknowne. Where hath this fier been this 200 yeares that must now burne him and posterity? 'Tis strainge that punishment should precede the law. Noe admonition or marke set on this crime. If a boate bee split on an anker, where there is no boy to forewarne us, damages must bee given.

If there must bee a triall of witts, let it bee of another subject then blood. Burne the bookes of arbitrary treasons, and desier not to bee skilfull in the killinge art, lost for 240 yeares, and now raked out of old records.

This is layd on him for other sins, not treasons. The inconvenience of this wold dainger the commonwealth. Examine not statsmen by graines, least non of honour or fortune doe undertake them. Those pledges [a] of a saint in heaven and children—*(passion made him breake off).* Afflictions heere are not to bee compared.

[a] Mr. serjeant D'Oyly has pointed out, that this very phrase, in reference to lord Strafford's children by his second wife, occurs also in several of his letters. "My son," he writes, in 1634, "the only male pledge his excellent mother left me of her love." (Letters, i. 236.) "The continual remembrance of that excellent person now with God, and the sight of these, the pledges of her love she hath left me behind her," occurs in a letter written in 1637. (Ibid. ii. 122.) Perhaps the most beautiful allusion to his children, and the memory of his lost wife, is to be found in a letter addressed to the earl of Clare, her brother, in January, 1637-8. "It troubles me not a little to be forgotten by those who are nearest to that excellent person whom I shall continually remember. And why should it be otherwise amongst us? For my own part, I must infallibly ever wish all honour to the house of Haughton, because so appointed by her that is with God, it was her last legacy; because I have daily here at my feet a company of poor innocents that tacitly plead it ought to be so, shew me how

Hee submitts to judgment. Whither in life or death hee will say, *Te Deum laudamus.*

Mr. Glin. Desierd time to withdraw, and hee would make him appeare as subtile in his answere, as hee hath been cunninge in his practise.

After an howers space, Mr. Glin began to recollect the evidence, but first hee began to answere the recollection made by my lord Straford.

Raine in dropps is not terrible, but a masse of it did overflow the whole world.

Hee urged the testimonies are single witnesses. This treason is proved by 100 witnesses, beinge the whole charge is proved.

Hee urged severall misdemeanours cannot make a murder, nor many murders a treason. In a felony, a bloody knife is a stronge evidence, but unlesse the man die 'tis noe murder.

Guido Fawx was in a better case then this, for laying powder and other things is noe crime, but the intent was treason, for though there can bee noe murder without death, yet there may bee treason without death.

Treason constructive.

Treason by statute or common law.

15 *article.* Savills warrant was not produced. Noe! Men seldom call witnessesse to papers of high treason. Savill cannot excuse the high treason, nor himselfe.

'Tis as ill to bee forced by 4 as by 4000, and the force makes it levyinge warr. 'Twas the sarjeants discreation to carry but 4 or 6 soldiers, hee might have carried the whole army.

The repeales hee mentions not.

Hee insinuates into the army, to make them thinke themselves in his owne case.

23 *article.* My lord Ranilow feared noe more then the commons of England. Vaine a single witness, but it might have been proved by 2 witnesses and a paper. Vaine names noe day,

unthankful I were to God and her, by whom I enjoy them, if having them I should be otherwise." (Ibid. ii. 146.)

but lord Straford names 5 May. Hee named the officers of the army in Aprill, and the rendevow was to bee 18 May.

27 *article.* Layd by for the present.

Constructive treasons.

3 *article.* Hee omitted, though proved by 3 witnesses, "that the kinge might doe with the Irish what hee pleased."

4 *article.* Was proved by 4 witnesses, and this hee calls a single witnesse. Wee could have proved such words every day, but wee love not length.

2 *article.* Proved by 5 witnesses, and denied by him and sir William Peniman. Sir David Foules did expresse the occation to bee about repairing a bridge.

22 *article.* Heere hee disjoynts the proofes that are proved by many witnesses.

23 *article.* Hee urged the ship-money arguments to bee for him, but this is condemned. Heere hee makes use of law, but 'twas but the arguments at the barr.

20 *article.* Increasing the warr was the way to subvert the law. There is a greate difference beetween a deffencive and an offencive warr, although hee make non.

24 *article.* 'Tis proved hee was the adviser of the breach of the last parliment; proved by divers.

27 *article.* Though there is an army in the feild, yet there must bee no warr raysed against the kings people.

'Tis not strange to kill a judge and that to bee treason, yet hee thinks it strange to have it treason to kill the law.

[14*th sheet.*

THU]RSDAY, 15th APRILL 1641.

[THE TREATY WITH THE SCOTS.]

The original of the following report of a conference with the lords upon the treaty with the Scots, is very much worn away. In several places it is nearly illegible and in others is entirely obliterated. The only mention of the matter in the Commons Journals occurs on the 14th April 1641 (ii. 120), when the lords intimated to them that they had

"received the papers" relating to the treaty of both kingdoms, and requested an immediate conference upon the subject, in the painted chamber. Sir Henry Vane, Lord Falkland, Pym, sir John Hotham, Fiennes, Holles, and sir John Colepepper were appointed reporters of the conference, but probably some delay took place in naming them, for upon their proceeding to the painted chamber, lord Bristol told them, "that they found it very late, and the business was likely to be very long, and did therefore desire that the conference might be to-morrow in the afternoon between three and four o'clock." The journal of the afternoon sitting on the subsequent day mentions that a committee went up to the conference desired on the day before, the same members being appointed the reporters, (ibid. 121,) and it appears from subsequent entries that the lords made three communications at the conference, one by the earl of Bristol which was reported by Pym, another by the earl of Essex reported by Fiennes, and a third by the earl of Holland reported by Hollis. (Ibid. 125, 126.) It is also stated in the Parliamentary History, (ii. 762,) upon the authority of an extract from the Diurnal Occurrences, that at that conference lord Holland declared that the king had appointed him general for the purpose of disbanding the army. That lord was probably the bearer of the message from the king reported in the following notes.]

* * judgment and returninge article.

[Sco]tts desier to returne, but must have money.

Index of the 8 article.

[The] agreement in church goverment a desier only, not presuming to meddle with the reformation.

Answer. The proposition for this were to bee wished, but alteration daingerous. But parliment will do what they thinke fit. Embassadours [not com]missioners to meddle with lawes; [not] usuall, or fit.

[This] day, they said, In obedience they did [it], and would bee content with what ever wee should doe in this, only there owne goverment they would bee let alone.

* * places about king, and queen, and prince; quality of coyne; chusing counsell; * * tare with the king; naturalization for both kingdomes; [kingd]omes freedom of trad; wishing manufactures assosiations with forraine princes.

Committee of marchants.

The act of oblivion for England, Scotland, and Ireland.

[An] act to establish the peace. [No] warr without parliment. [Wa]rr with forraners with both consent.

The [indemnity] for officers. They quitted there employments.

Consider of officers to bee kept on, to bee appointed by kinge and parliment, and parliment to pay them.

Holland. The place of short continuance.

Hee is fit for peace.

Hee invites the gayninge honour by action, and will doe it by peace, *ergo*, only to lay down armes with decency and dignity.

Will not necessity excuse the armies misdoings?

Prepaire money to prevent civill war.

* * * * victory or gayne in the spoyles.

The kings commands hee must obey. They will be with the house of parliment.

Percy sicke, *ergo*, put his sourd into a rest; will [be] hard to lay it downe.

[Commission]ers to conserve the peace.

Act oblivion to bee reciprocall, but noe bribery or corruption.

This concernes those that adheare to the king.

* * * referred to king and parliment.

Trad.

1. Pressing shipps, like English.

2. Freedom of transportation to the comission of merchant.

3. 4. 5. 6. 7. To the comittee of * *.

8. 9. To the king.

10.

11. To king and parliment; the last to the commission for settling the borders.

A day to disband; the arreares; and the brotherly releife.

* * they will disband.

King.—Desiers three armies should disband.

Leaves it to our cares.

The first leasure hee will answer the three desiers, disbanding, disarming, Maintocute.[a]

[a] The king's answer was given at Whitehall on the 28th April. See Com. Journals, ii. 131. Parl. Hist. ii. 773.

Hee desiers peace, and to remove misunderstanding, and ease grievances.

Money.

[15*th sheet.*]

THURSDAY, 15 APRILL 1641.

[DEBATE IN THE COMMITTEE OF THE WHOLE HOUSE ON THE BILL OF ATTAINDER AGAINST LORD STRAFFORD.]

Mr. PIM. Noe law but by parliment, and those from principles. He hath taken a legislative power from the parliment, and assumed it to himselfe, and put it in exceuition, and this is subvertion. Hee hath taken away the benifit of the law by taking away possessions by power, and not in a legall way.

LORD DIGBY. Hee hath executed martial law; hee hath had monopolies; hee hath given dangerous councells; but, *quere*, whither the result of this is high treason.

GLIN. If men are not satisfied that he hath subverted the law in matter of fact, to what end should any bee desierous to heare matter of law, for if they are not satisfied in matter of fact, 'tis to noe purpose to heare what the law is.

HOPTON. To fram, authorise and practise things not law is to subvert law. If the actuall e , [a] bee a sufficient proof of his endeavour to subvert the law, hee hath donn it.

BRIDGMAN. A difference in subverting the lawes of Ireland and subverting those of England, for the legislative power is dependent, and a judgment of parliment there hath been vacated by the kings bench heere.

LORD DIGBY. The fact is, whither the articles are fully proved. The law is, whither being proved it amounts to subvertion of law. It may rather be advertion than subvertion, or the inlarging a jurisdiction.

GLIN. The question is not, whither hee hath subverted the law, for then wee hadd had noe law to try him, but the question is, whither hee hath endeavourd to subvert the law.

[a] A blank left in the MS.

Lord Faukland. How many haires breadths makes a tall man, and how many makes a little man, noe man can well say, yet wee know a tall man when wee see him from a low man, soe 'tis in this, how many illegal acts makes a treason is not certainly well [known],[a] but wee well know it when we see[b]

[16*th sheet*.]

FRIDAY, 16 APRILL 1641.

[DEBATE UPON THE QUESTION, WHETHER THE COMMONS SHOULD ATTEND THE LORDS TO HEAR LORD STRAFFORD'S COUNSEL UPON THE MATTER OF LAW.]

Ruddier. Inverte not the saying, "Slow to speake and swift to heare." Judges must first fully heare, and then justly determen.

Whistler. 'Tis against law to heare lord Straffords councell at large, and against law, likewise, to make a case on which they should argue, and wee condemned it in my lord Strafford, and besides, it may bee disadvantagious to us.

Digby. If wee vote yeasterdayes question at the committee we prejudge the maine of the businesse, which we cannot well doe, being yet in the condition of accusers, and not judges. Hee is not satisfied whither these illegal acts donn by lord Straford doth amount to the subvertion of law.

Resolvd uppon question. That it is sufficiently proved that Thomas earle of Straford hath endeavoured to subvert the antient and fundamental lawes of the relmes of England and Ireland, and to introduce an arbitrary and tyrannicall government against law.

St. John. Wee being possessed of a bill have made ourselves judges, and being soe 'tis a dishonour to heare councell any where but at our owne barr. Noe feare of the lords for giving judgment, for if the treason bee within the statute, then there must bee an inditement; if it bee otherwise, then the commons must joyne to declare the treason.

[a] MS. worn away. [b] A word or two is lost by the MS. being worn away.

COLEPEPER. If wee reply to lord Strafords councell before the lords, wee prejudice our cause in taking away the power of declaring treason, for the lords cannot doe it alone; or else wee leave too much to the lords; *ergo*, reply in open parliament.

HAMPDEN. The bill now depending doth not tie us to goe by bill. Our councell hath been heard; *ergo*, in justice, wee must heare his. Noe more prejudice to goe to heare councell to matter of law, than 'twas to heare councell to matter of fact.

[17*th sheet.*]

SATERDAY, 17TH APRILL 1641.

[ARGUMENTS OF LORD STRAFFORD'S COUNSEL UPON THE MATTER OF LAW.]

My lord Strafords councell to bee heard to matter of law only, and not to matter of fact.

MR. LANE, THE PRINCES ATTURNEY.

Lord Strafords defence to matter of fact was his owne. Lord Straford desiers the benifit of these 4 lawes, 25 *Edw.* 3. 1 *Hen.* 4. 1 *Mariæ.* 1 *cap.*

There is noe treason but 'tis either in 25 *Edw.* 3. or some other statute.

The question is, if this case is not in any statute, then, whither any treason can bee declared by parliment. This law is a declaration what shall be adjudged treason and noe de [a] can have or admit another.

'Tis a pœnall law and not to bee [b]

'Tis an inconvenient law.

30 [c] *Eliz.* about bulls from Roome.

Now if the statute of 25 *Ed.* 3 had been to bee againe declared by induction, it must not be taken *a minore ad majus*, as being treason to kill a judge, *ergo*, 'tis treason to kill the law.

'Tis treason for a servant to kill his master, but not for a sonn to kill his father, unlesse hee be his servant.

[a] A blank in the MS. [b] The MS. breaks off. [c] So in the MS.

Acts of injustice is not a subvertion. Writts or error.[a] *Humanum est errare.*

28 *Hen.* 6. De la Pooles case. Being accused by parliment of high treason, 8 articles, the conclusion was for subvertion of law, these being the ground and cause.

33 *Hen.* 8. Liggons case. Indicted for purchasing bulls from Roome, uppon statute 6 *Ri.* 2, but here is not treason.

8 *et* 9. Haines. Indicted for procuring.

Floyd.

Noe treason in all these, *ergo*, all subvertion is not treason.

The charge is only an endeavour, but 25 *Ed.* 3. it must bee acts to prove treason, in all but imagining the death of the king.

In all inditements the conclusion is, *et sic* hee levied warr, to bring it within the statute.

Quære if there is any treason at the comon law.

1 fol. Stamford sayes, all greate treasons are defined by 25 *Ed.* 3.

22 *Ed.* 3. Treason to kill the kings messenger.

Treason to kill an assistant in warrs.

Treason to kill the nurce of the kings children.

But these being left out of the 25 *Edw.* 3. are not now treason.

1 *H.* 4. 1 *Mar.* 1 *cap.* question is, whither if it bee not treason in 25 *Ed.* 3, the lords can declare it to be soe.

The clause in 25 *Ed.* 3. for parliment to declare treason.

The parliment and king and the lords and king of[a] adjudgd treasons out of this statute.

3 *Ri.* 2. Jo [b] killd by 2 cittizens. Hee was an embassadour. Declard treason, but 'twas first brought to the kings bench.

11 *Ri.* 2. Belknap. 14 of 49 articles declard treason.

27 *Ri.* 2. Talbuts case, for conspiring the death.

21 *Ri.* 2. All these acts were repealed.

[a] So in the MS.

[b] A blank in the MS.

1 *Hen.* 4. All these acts were made good againe. Uppon these distractions this law was made 1 *Hen.* 4. *cap.* 10, to confirme the 25 *Ed.* 3, and that only.

1 *Hen.* 4. *cap.* 10 takes away all appealles from parliment for treason.

The usuage since in 5.

Lord Northumberlands case was referd to parliment, and the[a] considered of 25 *Ed.* 3, and found it noe treason.

Since 1 *H.* 4, noe treason hath been declard by parliment out of 25 *Ed.* 3, or some other law made since.

1 *Mar.* sayes, noe treason shall bee but w^th^ [a] is 25 *Ed.* 3.

Mr. Recorder Gardiner.[b]

[18*th sheet.*]

MOUNDAY, 19 APRILL 1641.

[FURTHER DEBATE IN COMMITTEE OF THE WHOLE HOUSE UPON THE BILL FOR THE ATTAINDER OF LORD STRAFFORD.]

Thomas his case, indicted of treason. Hee had but on accuser, and hee had told it to another, and this was conceived to bee equall to 2 witnesses.

Faukland. Being lord Strafords children proceeded as well from his inocent wife as his owne guilty person, 'tis beter they should be spared in there estates for the inocents sake, then punished for the guilty.

Falcefying and[c] kings coyne is treason, but the endeavour is not treason. The stat. 25 *Ed.* 3. tooke away all treason at the comon law for succeeding times.

Williams case, 16 *Jacob.*

Makinge bace money with an intent to utter it.

Counterfeiting the greate seale, by taking the wax from an old patent and fixinge it to a new.

[a] So in MS.

[b] "The recorder said he would add nothing to what the former counsel had spoken." Trial, p. 674.

[c] So in the MS.

The statute saies, if the servant kill his master, but if the maid kill the mistris?

If a judge bee killd in his seat of justice 'tis treason, but *quære* then the powder plot.

25 *Ed.* 3. takes not away all treasons at common law, for 'tis only an affirmative statute.

1 *H.* 4 *cap.* 10. and 1 *Mar. cap.* 1. doe not take away the declaratory power given by 25 *Ed.* 3.

Ri. Roose, *alias* Cooke, his case, in putting poyson into yeast, divers died, this declared high treason, and hee to bee boyled to death. 22 *H.* 8. *cap.* 9. *ergo*, since Hen. 4th his time, treason hath been declared in parliment.

In equity lord Straford deserves to dye.

In Hen. 7ths time clergy was taken from on Gleame, and hee hanged.

The committee spake to the lords like oratours, but heere like judges, full of doubts.

Subversion of the fundamentall law either by force or by tongue.

Ingeniosissime nequam, et in malo publico facundus.

Mr. VAUGHAN. 20 *Ed.* 3. *cap.* 6. Jurors taking bribes, in subvertion of the law. 27 *Ed.* 3. *cap.* 1. Drawinge please unproper for courts, in subvertion of the law.

1 *Ri.* 2. De la Poole's case, for granting charters unlawfully, charged to subvert the lawes. But non of these were treason.

An endeavour by force or invasion to subvert the law is high treason, but for other endeavours, hee may bee punished by the law hee would subvert.

The declaration in 25 *Ed.* 3. is free. 1 *H.* 4. sayes, noe other treasons then in 25 *Ed.* 3. 1 *M.* 1 *cap.* saies, noe paines of death and forfeitures uppon any for any treason, other then such as are expressed in 25 *Ed.* 3, a *non obstante*, and therefore the paines and forfitures for any treason to be declared by parliment is taken away.

Stamford saies the word "other" relates only to forfitures and paines.

Martin. "To bringe in an arbitrary and tirannical goverment," left out.

Stroud. "Over the lives, liberties and estates."

Mr. Fines. Treason by common law to subvert the fundamentall lawes, as to bringe a monarchy to an anerchy. Noe act of parliment can remit this treason, more then it can make an act which shall never be repeald. 1 *M.* 1 *cap.* only takes away all declarations made, not such as shall bee made.

Glin. The aime of 1 *M.* 1 *cap.* is to take away the shamfull deaths inflicted by common law for treason, but this had noe relation to any declaration.

Mr. Hill. 12 *Eliz.* lord Dier, fol. 248 and 249, a judgment that declares that the stat. 1 *M.* 1 *cap.* reduced treasons to bee in the same state there[a] were in by 25 *Ed.* 3.

Selden. Hee that levies warr against the king is treatour, and hee that doth but intend to kill the king is a treator: but the intent to levy warr against the king is not treason. Now, if it bee not treason to endeavour that, which, being acted, were treason, how will this be treason, being 'tis but a bare endeavour?

Bridgman. 'Tis treason to take the legislative power out of the 3 estates, but not if you take it out of on them and put it into the other two.

Mr. Fines. If it bee treason to endeavour to kill the governer, then sure 'tis treason to kill the goverment.

Whitlock. The duke of Ireland was condemned for procuringe a patent about iron before any act was comitted by him.

Mr. Glin. If it bee treason to subvert the law, then sure 'tis treason to subvert it by councells and actions, as well as by force.

St. John. 10 *Hen.* 7. *fol.* 47. adjudged, and Stamford, *fol.* 44, againe, that the intendment to coyne bace coyne, or consentinge to counterfeit the great seale, is treason.

[a] So in MS.

Stories case adjudged treason, Hill. terme 13 *Eliz.*, and the statute made in Aprill after, to intend to levie warr.

1 *Mar.* in Throckmortons case, in Easter terme after the October that 1 *M.* 1 *cap.* was made, was adjudged treason for his intending and plotting with Wiate to levy warr.

DIGBY. Though subvertion of law was treason at common law, yet the 25 *Ed.* 3. hath taken it away.

HOLBOURNE. The intent to kill the king is made treason principally in respect of his interest in the law; an endeavour to subvert is treason.

Great dainger to leave a declaratory power in a parliment. If this may be meant of any act made, (not to bee made) then there is noe use of the *non obstante.*

MR. ST. JOHN. Though 1 *M.* 1 *cap.* and *Hen.* 4. doe referr to the treason as well as the forfitures, yet it relates to the stat. of 25 *Ed.* 3, and there is a declaratory power reserved. The words "non other" relate to the declaration as well as the treasons expressed.

RESOLVED UPPON QUESTION. That the endeavour of Thomas earle of Straford to subvert the antient fundamentall lawes of the relmes of England and Ireland, and to introduce an arbitrary and tirannicall goverment against law, is high treason.

[19*th sheet.*]

TUESDAY, 20TH APRILL 1641.

[FURTHER DEBATE IN COMMITTEE OF THE WHOLE HOUSE UPON THE BILL FOR THE ATTAINDER OF LORD STRAFFORD.]

RESOLVED UPPON THE QUESTION. That it is sufficiently proved, that Thomas earle of Straford did by a warrant under his hand and seale, give power to Robert Savill and [or[a]] his deputy,

[a] So in the MS. the *or* being written above the *and.*

serjeant at armes, to cease[b] and put such number of soldiers, horse and foote, of the army in Ireland, togeather with an officer, as hee the said serjeant should think fit, uppon his majesties subjects of Ireland against there wills.

Resolvd uppon question. That it is sufficiently proved, that the said warrant was granted by the earle of Straford, to the end to compell the said subjects of Ireland to submit to unlawfull summons and orders, made by the said earle uppon paper petitions, exhibited to him in cases of private interest between party and party.

Resolved uppon the question. That it is sufficiently prooved, that the said warrant was executed by Savill and his deputy, by sessinge of soldiers, horse and foote, uppon divers of his majesties subjects of Ireland against there wills, in warlike manner, and that divers soldiers continued uppon the said parties uppon whom they were cessed, and wasted there goods, untell such time as they had submitted unto the said summons and orders of the said earle.

Bridgman. The statute of 25 *Edw.* 3. saies, to ride armed, to kill and slay, or to imprison till hee fine and ransome, this is noe treason, but felony or trespasse. Now if it be not treason to doe this, how can it bee to eate meate with a man, or bee cessed uppon him, till the party conforme?

To send souldiers upon a man heere to make him obay a decree in court of requests is not treason, because there is colour of law for it.

Deanes and other eclesiasticall persons cannot make longe leases, but this doth not extend to bishopps, for they are superiours, but it bindes inferiours; soe the Irish statute names "lords and others," now the deputy is superiour to a lord, *ergo*, bindes not him.

If murther were treason in Ireland, yet if it bee tried heere, the party must bee tried for murder, and not for treason.

[b] In the MS. this word seems to have been first written 'sease' and afterwards altered to 'cease,' for 'cess.'

35 *Hen.* 8. saies, all treasons made or declared by the common law of England shall bee tried heere, although it were committed in any foraigne part, but this treason is neither made nor already declared by the common law heere.

The words "non other" in statute 25 *Edw.* 3. doe relate only to treasons made by statute, not to treasons made by common law.

This grand committee of the whole house committed my lord Strafords bill to a sub-committee.

WEDNESDAY, 21ST APRILL 1641.

MR. GLIN. Reported from the sub-committee, that the matter of the 15th and 23rd articles should bee inserted into the bill of attainder of Thomas earle of Straford.

[*20th sheet.*

MEMBERS WHO VOTED AGAINST THE BILL FOR THE ATTAINDER OF LORD STRAFFORD.

A list of the members who voted against the bill of attainder, upon the question of its passing, was "posted up at the corner of the wall of sir William Brunkard's house in the old Palace Yard in Westminster." The persons named were entitled "Straffordians, betrayers of their country," and were threatened with punishment as "enemies of justice." This unusual proceeding had a great effect in exciting and fixing upon individuals the overflowing popular indignation, and was much complained of by members whose names were rightly inserted in the list, and by one member, sir John Strangewayes, whose name appeared as a Straffordian, although he was at the time absent in Dorsetshire, upon leave. (Commons' Journals, ii. 119.) Rushworth says that he was told by Mr. Elsing, that "he that took the list" which was thus made public was "one Mr. W——, who served for some borough in the county of Wilts," which seems to indicate Mr. Wheeler, member for Westbury. Whoever it was, the list was incomplete, as well as inaccurate. The noes actually numbered 59, but the list as printed in Rushworth, part iii. vol. i. p. 248, contains only 54 names; whilst another copy, printed in lord Strafford's Trial (p. 59), contains 56 names, including that of sir John Strangewayes. Nalson's copy has only 53 names. (ii. 188.) The following is the first list containing 59 names that has been made known.]

Lord Digby.
Lord Cumpton.
Sir Robert Hatton.
Sir Thomas Fanshaw.
Mr. Warwick.
Mr. Thomas Cooke.

Mr. White.
Mr. Alford.
Sir Edward Alford.
Sir Thomas Danby.
2 Sir G. Wenthworths.[a]
Serjant Hyde.
Sir Frederick Conwallis.
Sir William Carnaby.
Mr. Fettiplace.
Sir Richard Winn.
Sir William Witherington.
Dr. Turner.
Mr. Pirce.
Charles Price.
Mr. Arundell.
Mr. Noell.
Mr. Pollard.
Sir Richard Lea.
Sir Henry Slingsby.
Barr. Kinderton.
Mr. Albro.
Lord Buckhurst.
Mr. Mallery.
Mr. Porter.
Mr. Coventry.
2 Brother Westons.[b]
Mr. Selden.
Mr. Godolphin.
Mr. Digby.
2 Mr. Floydes.[c]
Sir Nick. Slanning.
2 Griffiths.[d]
Mr. Janes.
Mr. Taylor.
Mr. Scowen.
Mr. Bridgman.
Mr. Herbert.
Sir Gervase Clifton.
Mr. Phenick.
Sir William Peniman.
Dr. Parry.
Mr. Newport.
Sir Patrick Currance.
Mr. Holbourne.
Mr. Kirton.
Sir William Portman.
Mr. Trevinion.
Mr. Edgcombe.
Mr. Chitchley.

[a] Sir George Wentworth of Wooley and Sir George Wentworth of Wentworth Woodhouse.

[b] There were three members of the name of Weston at this time in the parliament. Mr. Benjamin Weston, who was member for Dover; Mr. Nicholas Weston for Portsmouth; and Mr. Richard Weston for Stafford.

[c] Only one Mr. Floyd is mentioned by Rushworth, Walter Floyd, member for Cardiganshire, and he is termed Lloyd in the list printed in the Parliamentary History, ii. 627.

[d] John Griffith sen., member for Beaumaris, and John Griffith jun., member for Carnarvonshire.

[Underneath the above list are written the six following names arranged three and three like pairs.]

Mr. Weston.	Sir Alexander Denton.
Mr. Harding.	Mr. Crew.
Mr. Vernon.	Sir Henry Mildmay.

[The same names, more roughly written and arranged consecutively in the following order, occur in another part of the same paper: "Mr. Weston. Mr. Harding. Sir Alexander Denton. Mr. Crew. Mr. Vernon. Sir Henry Mildmay."]

22ND APRILL 1641. THURSDAY.

[The following notes seem to relate to some communication made by the Scottish commissioners. On this day, according to the journals, Pym reported the result of a conference with the lords concerning the treaties between the two kingdoms. (Journ. ii. 125.)]

1. Scotland the same goverment of the reformed churches, but England did not reforme when she left the pope.

2. Scotland hath bee alwaies vexed by the bishopps of England, and gave corrupt Scotish ministers consecration, and did absolve.

[3].

[4].

5.

6.

7. Provided parsonages for our faulty devines. All our miseries cam from bishopps, and the same causes will produce the same effects.

Noe voyce in parliment without £50[a] *per annum* and place as they have.

[a] Almost obliterated in the MS.

[21*st sheet.*]

THURSDAY, 29TH APRILL 1641.

[ARGUMENT ON BEHALF OF THE COMMONS BEFORE THE LORDS, TOUCHING THE MATTER OF LAW IN THE BUSINESS OF LORD STRAFFORD.]

Wee met the lords in a comittee of both houses, and they cam without there robes, and Mr. St. John the kings solicitor argued the poynt of law, in his place, about the midle of the house, and not at the barr, and hee was assisted by Mr. Manord and Mr. Glin.

And my lord Straford was present, but hee was placed behind the barr, and not where hee was wount to sit, but Mr. Maxwell and the leiftenant of the Tower did stand before him, soe that hee was not seene.[a]

Mr. SOLICITOR. The commons had passed a bill to destroy my lord Straford, "roote and branch."

Two things to satisfie in judgment. 1st. The law already setled is a good ground for a judgment. 2d. The legislative power of the parliament. The first is apparrent and without. The second is internall and within.

Lord Straford is not condemned by a new law now a-makinge, but by old.

Parliments alwaies consulted withall in all generall doubtfull causes.

If private conscience is satisfied, there would need neither articles or evidence now they goe by bill.

6 Heades

1. A treason in 15th article within the stat. of 25 Edw. 3.
2. A treason in the 23rd article within the same statute.
3. A complication of ill acts within the same statute.
4. A treason within the stat. 18 Hen. 6.

[a] Nalson tells us that "the king, prince and queen" were present on this great occasion. (Nalson, ii. 162).

5. The subvertinge the lawes and introducinge an arbitrary goverment.

6. A necessity of use of the legislative power.

The case of Savills warrant to lay soldiers in Ireland is in the 15 article, read by Mr. Glin.

1. *Quære* what warr is against the king?

2. *Quære* what[a]

In private intrest this is noe treason, but *eo animo* must be considered.

20 *Ed.* 1. The earles of Hereford and Gloucester fined, but noe treason.

50 *Ed.* 3. Ni. Hunderton was find only for his fact on the abby of Dorchester.

Noe man can levie warr to subvert the lawes, but it must bee against the kings person.

1. In regaurd of his protection.

2. 'Tis against his peace, and crowne and dignity.

17 *Ri.* 2. Sir Thomas Talbut raised forces against the high constable and high stuard, and it was adjudged high treason.

5 *Ri.* 2. In the insurrection about villanage not against[a]

11 *Ri.* 2. [Raising forces against certain commissioners.]

8 *Hen.* 8. The insurrection of laborers.

37 *Eliz.* The insurrection of apprentices.

The insurrection in Oxfordshire to overthrow all inclosures.

All these adjudged treason, yet non against the kings person.

2. In respect to the actions. What shall be said to be a warr?

Quære. If gatheringe men that never fight to this purpose be treason?

Talbuts case was soe.

28 *Hen.* 6. Bell and Lacie with 200 men only meetinge togeather to intend to subvert som customes, was declared treason.

[a] The MS. breaks off abruptly.

Coggills case, and the case of the towne of Cambridge, barely considred are but trespasses, yet these were declared treason.

Savills warrant was to take away all law, and to place it in his owne breast, contrary to the statute made 28 *H.* 6. and kinge James his instructions. And so, in respect of the ends, this is to levie warr against the kinge.

Savill might have brought the whole army. Heere is an open act, and an actuall warr, for this warrant was put in execution. 'Tis said but 5 or 6 were sent, but they had the authority and countenance of the whole army.

The sherife and a bayly serves writs, alone, because hee hath the power of the county.

If a lord lieftenant had a designe to allter law, and made an order for it, and, if hee were resisted, then hee make warrants for men to come to assist him, this is levying within 25 *Edw.* 3.

2. A machination of levying of warr in the 23 article. But some say 25 *Ed.* 3 is a penal law, *ergo* the[a]

19 *Hen.* 6. Stamford sayes the conspiring to coyne money, and changing the great seale, is treason within the statute.

3 *Hen.* 4. Balshall and Barnards case. "Get men and goe to king Richard." These words are treason.

Throgmorton did conspire with Wiate, and this was adjudged treason.

Storie advised the invasion, and this is treason.

The offering the king poyson is treason, though hee say, "'Tis a cordiall."

3. A complication of words, councells, and actions, is a treason within 25 *Ed.* 3.

The compassing the kings death.

13 *Jacobi.* Owen said, being the king was excomunicated, hee might bee killd, because the pope was the greater the lesse was

[a] The MS. breaks off abruptly.

included. This was only compassing the kings death, and was soe adjudged.

10 *H.* 7. Burtons case about his title to the crowne.

[13] *Eliz.* [Duke of Norfolks case.]

Both executed.

3 *Hen.* 4. John Sparrow, only for saying the earle of March was rightfully king, and the pope would graunt indulgences to any for the earle of March. This was only speaking against the kings title, and yet this was compassing the kings death.

Tho. Heber in Ed. 4. time, in 18th of his reigne, indicted for his intent to withdraw the affections of the people from the kinge. "The last parliment was a foolish on, the kinge lived in Kent, being he had not, nor could not, have the love of the citty." "If Bath and Wells were dead, Canterbury would soone loose his head."

John a Walter [18] Ed. 4. was indicted for saying, Lord Warwick was dead, Oxon alive; the kinge was a falce man in[a]
And this was compassing the kings death.

These were only words spake by private men to private men; but lord Straford had all the titles that could bee, yet hee slanders the comons, and sayes the king is loose from rules of goverment, and had an army to reduce them.

Then hee told the people, the kings little finger would be found heavier then the lines of the law. Then at Dublin hee declares them to bee conquerd, and the king might doe with them as hee pleasd.

In parliment hee says, they must expect lawes as from a conquerer, and an act of state should bee as binding as an act of parliment.

Hee forced yearne from the people, and other goods.

Hee is an incendiary, and makes new oathes.

All these words proves hee meant to make disaffection between the king and people, and this within the 25 *Ed.* 3.

[a] So in the MS. The words as spoken probably were "in that he had slain the earl of Warwick and the duke of Clarence."

4. A treason within 18 *H.* 6 in Ireland.

33 *H.* 8. Lord Gray arrained heere for letting out rebbells, not punishinge a man that called the kinge "Heritick."

Savill not Straford executed this, but *plus peccat author quam actor.*

11 *Hen.* 4.

18 *Hen.* 6. was made 20 yeares after, *ergo* that cannot repeale it.

10 *Hen.* 7. *et al.*

Non shall carry the kings people to make peace or warr.

£100, £5,000, £10,000, 3 inrodes. These only for doinge things lawfull without a legall warrant.

The penalty only on the captaine not on the soldiers.

24 [*Eliz.*] Sir John Perot tried heere for things done in Ireland.

Lord Gray 33 *H.* 8 was also tried heere. In England there is common law, the statute law, and customes. The common law of England and Ireland is the same, and introduced by a parliment of England in king Johns time, and it appeares by patent role 5 *Ed.* 1.

In doubtfull causes the Irish have sent to our parliment, and sometimes to the kinge, to know what the law was; as in queen Elizabeths time. And an erronius judgment in Ireland is reversable in the kings bench heere.

28 *H. cap.* 6. [23] *H.* 8. Ireland is united to England, and the parliment of England has alwaies had cognizance of origenall sutes in Ireland, and 'tis ordinary to send for records and transcripts of them out of Ireland.

[8] *Eliz.* Our parliament made it felony to transport sheepe.

A writ of error to repealle judgments given in a parliment of Ireland.

Parliments in England have confirmed the parliment of Ireland.

Gersye and Garnesey governed by Normand law, yet governed by the parliment of England.

19 *Eliz.* Adjudged, an Irish peere is not triable heere. Hee

must be tried *per pares, ergo* lord Straford could not be tried in Ireland.

[22*nd sheet.*]

5. To subvert the law, and bringe in an arbitrary goverment, is treason.

Positive acts are left to the judge, but constructive acts are retayned to the parliment.

The stat of 1 *Hen.* 4. and 1 *Mar.* doe only settle the treasons as they were by 25 *Edw.* 3.

There is the same law and equity to passe that treason by bill, as may bee by declaration.

6. The necessity of usinge the meere legislative power.

Hee that takes away the law, takes away the alegeance not of on but of many.

[1]3 *Eliz.* made treason to affirme that the common law did not binde the crowne.

Take away the law, noe judges left to kill.

* * from the frame and constitution of the parliment.

Objection. Noe law noe transgression. Before the man died for gathering of sticks, the law was promulged.

Lex talionis.

Foxes are beasts of prey, *ergo,* kill them.

Heere are offences cumitted, but the question, what punishment shall be inflicted for them ?

'Tis true many felonies make not on treason, but parliment have often proceeded in an extraordinary way above the knowne law.

5 *H.* 4. *c.* 6. [a] is enacted to pay double damages and render his body.

Gomines and Weston, adjudged treason for surrendringe a castle.

John Imperiall. Had his toe trod uppon, a quarrell was raysed and the embassader killd,[b] the this in parliment was adjudged treason.

[a] A blank in MS. [b] So in the MS.

11 *Ri.* 2. the judges hanged.

2 *H.* 6. *Nu.* 18. Mortimer for breaking prison was adjudged a trator.

22 *H.* 8. Rooce for poysoninge was adjudged a trator.

25 *H.* 8. The holy maide of Kent.

2 *et* 3 *Ed.* 6. [a] adjudged a trator.

Yet non of these treasons are within the statute 25 *Ed.* 3.

[Nalson, who occasionally enlightens the dullness of his state papers by a vivid descriptive touch, says, "The earl made no reply, but lifting up his hands to heaven, to attest his innocence and petition protection and a more just and equitable sentence there, he seemed to express greater eloquence by his silence, than the other had done by his prolix discourse." (ii. 186.) We learn on the other hand from the Diurnall Occurrences, that St. John spoke "to the great satisfaction of all, as was conceived, about two houres." (p. 89.)]

[23*rd sheet.*]

MOUNDAY, 3RD MAY 1641.

[PROCEEDINGS UPON TAKING THE PROTESTATION.

On Saturday the 1st May 1641, the king, acting, as lord Clarendon says, upon the advice of lord Say, went to the house of lords, and there made a declaration to both houses, in reference to the bill of attainder then on its passage through the house of lords, that he could not in his conscience condemn the earl of treason, and that he left it to the lords to find some way of bringing him out of the great streight in which he should be placed by their passing the bill of attainder. This step was regarded by the popular leaders as an unwarrantable interference with the freedom of debate, and on that ground occasioned considerable excitement; but their feelings, and those of the people, were roused to the very highest pitch, by the discovery, about the same time, that the king was not relying upon his conscientious scruples alone for the safety of the earl, but that there existed a plot, of which his majesty was partly cognizant, for effecting the earl's release and for bringing up the army to overawe the parliament. On the Monday following indignant crowds rushed to Westminster, wildly demanding "justice upon the great delinquent," and in the excitement, and acting upon the impulse, of the moment, the house framed and unanimously took the vow and protestation which are mentioned in the following notes. The original MS. bears evident marks of the vehemence which characterized the whole proceeding. It is not written with the regularity which is observable in most of the other sheets of the MS., but I have endeavoured to arrange the disjointed portions properly.]

PIM. 1. Priviledge of parliment.

[a] A blank in the MS.

1. In takinge notise of any bill depending in parliment untell it bee presented by both houses.

The indemnity of the lords and commons.

2. In relation to my lord Straford.

Now this house hath voted him guilty of high treason, and when the lords have passed it, the kinge is free, and if hee is not satisfied wee must informe him better.

3. In relation to the state of the kingdome.

For that is concerned, beinge the papists have had and still have a designe uppon us, and being the king hath a tender conscience, 'tis fit he should have good councelours about him.

Disarme all papists and noe priviledg of parliment be alowed.

Declare our aleagence to the kings person and legall prorogative, and bind ourselves to maintaine the liberties of the subjects, and declare the good part of the army shall bee payd, and the northerne part, and that Ireland shall bee releived of there greevances, and a care taken for the £300,000 for the Scots.

MARTIN. Honest disjoynted fellowes.

Unite ourselves for the pure worshipp of God, the defence of the king and his subjects, in all there legall rights.

STROUD. Hee that hath been most abused doth not yet perceive it.

Sweare to see the army satisfied.

Make a declaration of parliment.

HOLLIS. Force and reputation are the two things that give the successe to all actions. Take a vow to assist on another for the defence of the kinge.

[A committee was appointed, and ordered to retire immediately into the inner court of wards, and prepare a declaration of the resolution of the house "for the defence of the religion established, of the king's person, and the liberty of the subject, be it by oath or any other way, and in such manner as they shall think fit." (Com. Journ. ii. 132.)]

Mr. MAYNORD. Reported,

"I. A. B. doe, in the presence of Almighty God, promise, vow, and protest, to maintaine and defend, with my life, power and estate, the true, reformed, protestant religeon, and, according to the duty of my alegence, his majestis royall person, honour, and

estate, as also the power and priviledges of parliment, the lawfull rights and liberties of the subjects, and every person that maketh this protestation in whatsoever hee shall doe in the pursuance of the same. And to my power, and as far as lawfully, I will endeavour to oppose, and by all good wayes and meanes endeavour to bring to condigne punishment, all such as shall either by force, practice, counsell, plotts, conspiracies, or otherwise, doe any thing to the contrary of any thinge in this present protestation contayned. And further, that I shall in all just and honorable wayes endeavour to preserve the union and peace between the three kingdomes of England, Scotland and Ireland, and neither for hope, fear, or other respect, shall relinquish this promise, vow, and protestation."

[This form of protestation seems to have been objected to by members on both sides of the house, i. Because it was not limited to the maintenance of the doctrines of the established church; and ii. Because it did not touch upon the ceremonial innovations which were regarded with much jealousy as the precursors of an intended restoration of popery. It was accordingly recommitted to the same committee, with the addition of Selden, lord Falkland, and Mr. Vaughan. They were ordered to retire immediately into the committee chamber, the other members in the meantime keeping their places, and no one stirring out of the house without leave. (Com. Journ. ii. 132.)]

Mr. MAYNORD. Againe reported,

"I, A. B. doe in the presence of Almighty God—as far as I lawfully may—expressed in the doctrine of the church of England, against all popery and popish innovations within the realme of England, contrary to the same doctrine"

[These were the heads of the alterations in the former form which were now suggested by the committee, but the house seems to have insisted upon the whole form being read as proposed to be altered. It stands in the MS. as follows.]

"I doe, in the presence of Almighty God, promise, vow, and protest, to maintaine and defend, as farr as lawfully I may, with my life, power, and estate, the true reformed protestant religeon, as expressed in the doctrine of the church of England, against all popery, and popish innovations, within this relme, contrary to the said doctrine; and, accordinge to the duty of my aleagence, his majestis royall person, honour and estate; as also the power and priviledges of parliment; the lawfull rights and liberties of the subject; and every person

that maketh this protestation, in whatsoever hee shall doe in the lawfull pursuance of the same; and, to my power, as farr as lawfully I may, I will oppose by all good wayes and meanes, and endeavour to bringe to condigne punishment, all such as shall, either by force, practise, councell, plotts, conspiracies, or otherwise, doe any thing to the contrary of any thinge in this present protestation contayned; and further, that I shall, in all just and honorable wayes, endeavour to preserve the union and peace betwixt the three kingdomes of England, Scotland and Ireland; and neither for hope, feare, or other respect, shall relinquish this promise, vow and protestation."

[The speaker made the protestation first, and was followed by 368 other members, whose names are entered upon the journal. Above the following forms of the suggested words in which the protestation should be taken, (the latter being probably the form adopted,) there stands in our MS. "378," which may be the number of members understood by sir Ralph Verney to have taken the protestation on that day. He is as likely to be right as the printed journals.]

"I, A. B. doe make the same protestation that Mr. speaker have made, according to [the] contents of that you have read, willingly and freely."

"I, A. B. for myself, doe make the protestation that you have made for yourselfe, according to the perticulars read out of this paper."

[After the protestation had been taken by all the members present, it was again referred to the committee by whom it had been prepared, that they might draw up a preamble to it. The following is a note of the report of the committee.]

Mr. Maynord. Reported,

"Wee, findinge the designes of[a] the preists and jesuits have been practising—and finding an endeavour to subvert the lawes—and the long intermission and unhappy breach of parliment—illegall taxes on the people."

[Whilst the commons were occupied in proceedings so unusual, the king, alarmed at the concourse of people who crowded round his palace and the parliament house, assembled his council, and by their advice sent a message to the two houses, calling upon them "to take into consideration some speedy course to settle peace and prevent these tumults." The king's message was reported to the commons at a conference between the two houses, of which the following is a note. The first passage relates to the royal message; the second to a petition of citizens presented to the lords, and their answer; the third to the progress which the lords had made with the bill of attainder.]

[a] So in the MS.

Unusuall numbers of people disturb the peace of the kingdome.
An expectation for both houses to joyne to quiet them.

A petition 2d time read.
An honorable and just [end] with expedition.
£100. Men discharged.

Representative body brought in the bill against lord Straford.
They proceed with expedition to a finall end, but are hindred by the multitude.
The business haveing noe other hindrance but there concourse.

[Without swerving from their course, the commons allowed the royal messagc to remain unnoticed, but sent their protestation up to the lords, with a desire that they would concur in it. Maynard, Hollis, sir John Culpeper, and Pym, were appointed to present it to the upper house, and Hollis took the lead, making a speech upon the occasion, of which the following are notes.]

Mr. Hollis. Designes and practises against the well beeing, nay, the being of it.
Obstruction of justice.
Precluded.
If justice bee stopped, then certainly soverainty must dye.
Property invaded.
Evill councells cause all distractions.
Two armies like vultures eate through our sides.
Parliments of late have only beene destructive to its own members.
Winde and tyde still against the parliment. Ill councells like the strong east winde that brings [the] locust.

[*24th sheet.*

PREAMBLE OF THE PROTESTATION.]

"Wee, the knights cittizens and burgesses of the house of commons in parliment, finding, to the great griefe of our hearts, that the designes of the priests and jesuites and other adherents to the see of Roome have of late been more boldly and frequently put in

practice then formerly, to the undermininge and dainger of the ruine of the true reformed protestant religion in his majesties dominions established, and findinge also that there have been (and haveing just cause to suspect that there still are) even during this sittinge in parliment, endeavours to subvert the fundamentall laws of England and Ireland, and to introduce the exercise of an arbitrary and tyrannicall goverment, by most pernicious and wicked counsells, practices, plotts, and conspiracies, and that the longe intermission and unhappy breach of parliments hath occasioned many illegall taxations, whereuppon the subject hath beene prosecuted and grieved, and that divers innovations and superstitions have been brought into the church, multitudes driven out of his majesties dominions, jealousies raysed and fomented betwixt the king and his people, a popish army levied in Ireland, and two armies brought into the bowells of this kingdome to the hazard of his majesties of [a] royall person, the consumption of the revenues of the crowne and treasure of this kingdome, and lastly, finding greate cause of jelousie that endeavours have been and are used to bringe the English army into misunderstandinge of this parliment, therby to encline that army with force to bring to passe those wicked counsells, have therefore thought good to joyne our selves in a declaration of our united affections and resolutions, and to make this ensuinge protestation."

WEDNESDAY, 5TH MAY, 1641.

[FURTHER PROCEEDINGS UPON THE DISCOVERY OF THE ARMY PLOT.]

RESOLVED UPPON QUESTION. That this house doth declare, that if any shall councell, consent, or assist, the bringing of any forraing force into this kingdome, hee shall be declared a publique enimy to the kingdom, unless it bee by the command of the king, and consent of both houses of parliment.

[a] So in MS.

Ordred. That the knights and burgesses shall consider of the lord lieftenants, and deputy lieftenants, and governers of forts and castles, in every county, and to returne there names to this house too morrow morninge, and to consider how there counties are provided with amunition, and armes.

Ordred. That every member of this house, now in towne, shall bee heere too morrow at 8 a-clock, and that non shall goe out of towne without espeatiall leave of this house, and those that offend heerein shall be proceeded against as [for] a contempt of this house.

Ordred. That the protestation and preamble shall bee printed, and the clerke shall subscribe severall coppies of them, to the end the knights and burgesses may send it to the sheires and townes for which they serve, that any may take it that please.

Ordred. That if any man whisper, or stirr out of his place, when a message is deliveringe, or businesse of importance, to the disturbance of the house, Mr. speaker shall present his name to the house to bee punished.

Mr. Hollis went with this message to the lords.

"The house hath been informed of some plotts to make the army to misunderstand the parliment, and they desire that some members of your house, in the presence of some members of this house, may examine any member of either house, or other person, uppon oath, and that they would desier the kinge, that noe servant about the kinge, queene, or prince, should depart the kingdom, or otherwise absent himselfe, untell this businesse bee fully examined."

Resolvd uppon the question. That a bill shall bee prepared to declare and assure the continuance of this present parliment, from adjornement, proroguing, or dissolvinge, without consent of both houses of parliment.

Mr. Whitlock is to prepaire this bill.

To consider in what state and condition the counties and burrowes are, in respect of armes and ammunition, and in what condition in respect of lord leiftenants and deputie lieftenants, whither they are persons well affected to religion and the publique

peace, and to present there names, and what want there is of armes or ammunition, to the intent they may bee supplied.

[*25th sheet.*]

FRIDAY, 7TH MAY 1641.

[FURTHER PROCEEDINGS IN CONSEQUENCE OF THE ARMY PLOT.]

"An act to prevent the inconvenience that may happen by the untimely adjorninge, prorogueing, or dissolvinge this present parliment."

Read the third time, and did passe this house.

[The following are notes of a report made by Pym, of a conference had with the lords respecting the army plot. Com. Journ. ii. 138.]

1. The runninge away confirmes.
2. French forces designed for Porchmouth.
3. One lord and two commoners sent to Porchmouth, to examinge Goringe, and if cause bee to command him to come upp with on commoner, and the lord and other commoner to stay there.

And forces out of Wiltes to secure Porchmouth.

Secure the iles of Wight and Gersie and Gernsey, Hampsheire, Dorsetsheire, and trayned bands to bee in a readinesse.

The lords are desierd to send a letter to the army, as wee will doe under the speakers hand.

Sir John Clotworthy and sir Philip Stapleton sent to Porchmouth.

Sr. John Hotham and sir Hugh Chomly sent to the army in the north.

Sir Water Earle sent into Dorsetsheire to prepaire the trayned band.

ORDRED, a message bee sent to the lords to desier them to move the kinge, that the earle of Essex, in this time of dainger, may bee made lord lieftenant of the county of Yorke.

SATERDAY, 8TH MAY 1641.

MR. PIERPOINT reported.[a]

Lord Mandevill gon to Porchmouth.

A proclamation for 5 that are fled.[b]

The forces desierd, ordred to bee in readinesse for the defence of the southerne parts.

Lord admirall prepares.

The bill of attainder passed.

Desier a conference about the way[c] of it and the peace of the kingdom.

The cessation ends on Saterday.

A conference to desier the lords to move the king to give his answer to bill of attainder with speed.

RESOLVD UPPON QUESTION. That this house thinks fit that there bee a cessation of armes betweene the 2 kingdoms continued for 14 days longer, from the 16 of this moneth, if the treaty soe longe continue.

[*26th sheet.*]

TUESDAY, 11TH MAY 1641.

[RAISING MONEY FOR PAYMENT OF THE ARMY AND NAVY.]

RESOLVED UPPON THE QUESTION. That £400,000 shall be raysed for the present affaires of the kingdome.

ORDRED, my lord mayor shall pay £80,000 of the £120,000 promised by the city uppon the 2 last subsedies; shall be payd thus, £50,000 to sir William Uvedall, and £30,000 to my lord of Warwick, by Friday next, and that my lord mayor hast in the other £40,000.

RESOLVED UPPON THE QUESTION. That the £400,000 shall bee raised proportionably uppon the severall counties.

[a] After a conference with the lords. Commons Journ. ii. 139. 140.

[b] These five were, Henry Percy, Henry Jermyn, sir John Suckling, William Davenant, and captain Billingsley.

[c] This seems to be the reading of the MS.

WEDNESDAY, 12TH MAY, 1641.

[BILL FOR ABOLISHING EPISCOPACY.

The house of commons held a special afternoon sitting to hear Dr. Hacket and Dr. Burgess for and against the retention of deans and chapters. (Com. Journ. ii. 144.) Nalson puts some scoffing words into the mouth of Dr. Burgess, and alleges that Dr. Hacket afterwards made a learned speech in defence, of which he gives an outline stated to be derived from the "broken fragments which are entered in the journal of the house of commons" (ii. 240). The journal as printed does not contain any such fragments, and the following notes prove, that, as Rushworth has stated, (part iii. vol. i. p. 270) Burgess "made a large answer to" Hacket's "learned oration." Nalson's report of Hacket's speech seems to be merely an amplification of the few heads of it preserved by Rushworth.]

DR. HACKET. There use *quoad res, et quoad personas,*

1. The house of prayer, and that every day.

Reforme church musick. 'Tis not edifiing being soe full of art, but leave a solome musick.

2. Preaching.

Locall statutes appoint sermons almost every day. Desier a spurr in this.

3. Advancement of lerninge.

1. A grammer schole maintayned by every cathedrall church, and they appoint scholmasters, and send out best schollers.
2. Encouragement of studients.
   This is the prize they aime at.
   Noe schollards admitted; noe bookes sould.
   Our best devines have had these places.
3. The councell of the bishopp to assist him in jurisdiction, ordination, and censures.

4. The use of the cathedralls.

They were the first monuments of christianity.

Quoad personas.

1. The officers about them above 10,000. Coristers the seminaries of musick, and have noe other vocation, but undonn.

2. The tenants gaine above 6 parts in 7.

3. Citties wherein these cathedralls stand much supported by them.

4. The lands and revenue are the commons of the reipublique.

5. The clergy enjoy all by charters and lawes. Gentry and comons live better heere then in other nations, *ergo*, let the clergy doe soe likewise. Other reformed churches have them though some [a]

6. The kinge and commonwealth are advanced by them in tenths, first frutes, subsedies, arms, and yet would doe more, as this house shall appoint or suffer.

These are dedicated to God, the founders appoint the uses, and curse any that alter it.

xvi Numbers, 28.[b] Offerd to God, *ergo*, holy.

xx Proverbs. A snare to devoure that which is holy.

ii Rom. Thou that abhorredst idols dost thou commit sacriledge?

Dr. Bargrave deliverd a letter from the university of Cambridge, and a petition from them, and a petition from the almesmen and officers and other members of the cathedrall of Canterbery, and another petition from the tenants of the same cathedrall.

And Mr. Selden delivered a petition from the university of Oxon, and all for the preservation of deanes and chapters and bishops.[c]

Dr. Burgis. *Quære.* Whither deanes and chapters doe conduce to the ends mentioned by Dr. Hacket.

Quære quoad res.

Musick intellegable,[d] *ergo*, not to edification.

[a] A word or two worn away in the MS. [b] So in MS. for, 38.

[c] The petitions from the two universities and the letter from Cambridge are printed in Rushworth, part iii. vol. i. pp. 270, 272, 273.

[d] So in MS.

1. Cathedralls noe fitter for prayers then parochiall churches.
2. Preachinge utterly neglected, or used only for raylinge.
3. Advancement of learninge.
   1. Grammer scholes as good where there is noe deane and chapter, as Eaton, Marchant taylors, Suttons hospital and others.
   2. Incoragement to studients.
      Lett this be donn some other way.
   3. They are the councell of the bishopp.
      'Tis true in ordination they for fashion are cald to lay on hands, but for jurisdiction they medle not.
      Deanes and chapters not in England till the conquest.
4. The use of the cathedralls.

Quoad personas.

1. Coristers and officers, fellowes that are condemned for felons, and keepe alehouses, and soe they may still.
2. Tenants may bee tenants still.
3. Citties rather supported by there excesse then otherwise.
4. Dr. Seravia, a writer for cerimonies.
5. [a]
6. Other liveings pay more to the king.
7. The [b] all that pray not for soules.

[*27th sheet.*]

THURSDAY, 13TH MAY, 1641.

[RAISING MONEY FOR THE ARMY.]

RESOLVD UPPON THE QUESTION. That in raisinge this £400,000 by way of subsedy, every man shall bee rated in every county for the estate hee hath in that county only.

[a] Left blank in MS. [b] The MS. worn away.

MOUNDAY, 17TH MAY, 1641.

[UNIFORMITY OF CHURCH GOVERNMENT BETWEEN ENGLAND AND SCOTLAND.]

Mr. CREW in the chaire. A committee of the whole house debated the article concerninge uniformity in church goverment.

RESOLVED UPPON THE QUESTION. That this house doth approve of the affection of there bretheren of Scotland in there desier of the uniformity of church goverment, and doth give them thanks for it.

22ND MAY 1641, SATERDAY.

[ABUSES OF THE FARMERS OF THE CUSTOMS.]

Mr. HOLLIS. Reported from the committee for the customers.

The greate farme £160,000 rent.

The petty farme.

A covenant that the king should beare all losses, unlesse it came to £10,500 gaine, and then they were to bee but accountants. The rent now £150,000, but the currants customes left out, and soe it was held 13 yeares.

The kings rent ought to have been £194,000 *per annum*, but they paid but 17.

But they defalked £183,318. 18. 8., which is about £14,000 *per annum* losse.

24 hundred, 20 thousand.

£15,797 in nue yeares gifts and other presents.

£87,700 intrest money.

£369,000 cleare gaine in 13 yeares.

The petty farme consistinge of sweet wines, French wines, and currants.

£50,000 fine, £44,500 rent.

In 7 yeares £13,600 gaine.

Then a nue graunt at £60,000 rent.
£49,000 of this rent unpayed, by way of defaulcations.
£300,000 gaine.
Cleare gaine £213,000.
Gaine on the great farme, 3.
210,000.
136,000.
13 yeares totall gaine, £716,274. 19. 5., which is above £55,000 *per annum.*
£4,050 defaulked yearly for currants.

[28*th sheet.*]

TUESDAY, 25TH MAY 1641.

RESOLVD UPPON QUESTION. That all collections of any summes of money whatsoever, under pretence and colour of subsedies, imposts, or ayd, uppon any merchandizes whatsoever, not graunted by consent of parliment, is against the law and liberties of the subjects.

RESOLVD UPPON QUESTION. That all such persons as have collected or taken any summes of money, by colour or pretence of subsedies, imposts or ayd, upon any merchandize whatsoever not graunted by consent in parliment, are delinquents.

The customers that farmed the greater farme have gayned of neate gayne as followeth.

Sir Paull Pinder	£125,938[a]
Sir John Worsneham senior . .	12,375
Sir Abraham Dawes . . .	16,786
Sir John Jacob	16,175
Sir John Harrison . . .	4,183
Sir John Worsneham junior .	3,319
Mr. William Lake . . .	10,500
Sir James Bagg . .	13,955

[a] To make the total amount correct, this sum should be £12,938, which is more likely to be accurate, but it stands in the MS. as it is here printed.

Sir Dudley Digges . . .	13,955
Sir Nicholas Fortescue . . .	24,318
	£128,504[a]

WEDNESDAY 26TH MAY 1641.

[GRIEVANCES OF THE VINTNERS.]

RESOLVD UPPON QUESTION. That the pattent for payment of 40s. a tun uppon wines is a greevance in the creation and execution.

RESOLVD UPPON QUESTION. That the penny on a quart for French wines, and two pence a quart on Spanish wines, is a greevance.

RESOLVD UPPON THE QUESTION. That this imposition of 40s. per tun is a greivance in the execution.

RESOLVD UPPON QUESTION. That alderman Abell and Richard Kilvert are the principle actors and projectors about this businesse of 40s. per tun.

RESOLVED UPPON QUESTION. That a bill bee prepared to make Abell and Kilvert examples.

RESOLVD UPPON QUESTION. A comittee shall bee appointed to examine who were the referees, drawers, advisers, sharers, contractors, or complotters, or received any bribe or benifit by this project.

RESOLVD UPPON QUESTION. The proclamation prohibiting wine-coopers to buy and sell wine is illegall, and against the liberty of the subject.

RESOLVD UPPON QUESTION. That decree made in starr-chamber prohibitinge retaylinge vinteners dressinge meate to sell

[a] This list and the memorandum preceding it are written in ink by the hand of the first viscount Fermanagh, (see p. 23 note) but evidently over sir Ralph Verney's original pencil notes, which remain in many places still legible.

in there owne houses, is illegall, and against the liberty of the subject.

An order, That the penny a quart on French wines, and 2 pence a quart on Spanish wines, shall bee taken off, and bee noe more demaunded or payed.

[abuses of the farmers of the customs.]

The customers petition was read, in which they submit to the votes of this house, and offer £150,000, wherof £100,000 within 14 dayes, and £50,000 within on moneth, where uppon they desier an act of oblivion, and power to recover proportionable shares on all there parteners, sharers, and there heires and executors, and to bee declared to bee in the favour of this house, and freed from this offence in point of delinquency or crime.

Ordred. The customers shall present the names of such as in justice ought to bee contributers to the £150,000, and such as will come in shall have benifit of this act of oblivion, and those that doe not, the house will proceed against them as they shall find cause, and out of such satisfaction as they shall bee made to pay the customers shall have a proportionable part.

Ordred. That such as have already complayned, or have had sutes, or have had there goods taken or detayned from them[a]

Resolvd uppon question. That the £150,000 shall be accepted, and that an act of oblivion bee made under these limitations.

[*29th sheet.*]

FRIDAY, 4TH JUNE, 1641.

[bill for restraining persons in holy orders from intermeddling in secular affairs.

On the 27th May 1641, a conference was held with the lords upon the bill for restraining bishops and other persons in holy orders from intermeddling in secular affairs. (Com. Journ. ii. 159.) The lords suggested the propriety of introducing into the bill certain

[a] The MS. breaks off.

exceptions and asserted, as to the right of the bishops to vote in parliament, that by common and statute law and ancient practice there was no question about it, and that they did not understand that there was any such inconvenience in it as should induce them to deprive the bishops of that right, but if there were any such inconvenience, if the commons would shew it to them, they would be willing to hear them. (ibid. 165.) The commons accepted this challenge, and appointed a committee, consisting of Pym, Hyde, Selden, Hampden, sir Henry Vane, lord Falkland, and other eminent members, to prepare reasons in answer to the lords' objections. The committee met on the 3rd June, the day of their appointment, in the exchequer-chamber, after the rising of the house, and on the day following presented to the house the reasons here given. A conference was had with the lords, and these reasons were presented to them, on the day following, (ibid. ii. 168.) after which, on the same day, their lordships voted for the bishops retaining their votes in parliament. (Rushworth, part iii. vol. i. p. 282.)]

Reasons why bishopps ought not to have there votes in parliment.

1. Bishopps votes in parliment are a very greate hindrance to there ministeriall functions.

2. They vow to give themselves wholy to that vocation.

3. Councells and cannons in former ages have forbid them to meddle in secular affaires.

4. 24 bishopps subject to the arch-bishopps and the oath of cannonicall obedience to them.

5. They are but for there lives, *ergo*, are not soe fit to have a legislative power over the inheritances, persons, and liberties of others.

6. Because of bishopps dependency, and expectancy of beinge translated to places of greater profit.

[7. That several bishops have of late much encroached upon the consciences and liberties of the subjects, and they and their successors will be much encouraged still to encroach; and the subject will be much discouraged from complaining against such encroachments, if 26 of that order be to be judges upon those complaints. The same reason extends to their legislative power in any bill to pass for the regulation of the power upon any emergent inconvenience by it.

8. Because the whole number of them is interested to maintain the jurisdiction of bishops; which hath been found so grievous to the three kingdoms, that Scotland hath utterly abolished it, and multitudes in England and Ireland have petitioned against it.

9. Because the bishops being lords of parliament, it settleth too great a distance between them and the rest of their brethren in the ministry; which occasioneth pride in them, discontentment in others, and disquiet to the church.[a]]

If it bee inconvenient, then time and usage are not to bee considred. Abbots have had votes as antiently as the bishopps, and yet they were remooved.

MOUNDAY, 7TH JUNE, 1641.

[FARMERS OF THE CUSTOMS.]

Sir Paull Pinder.
Sir Dudley Diggs.
Sir Nicholas Fortescue.
William Lake, esquire.
Totall is £150,000.

[CHURCH GOVERNMENT.]

SIR JOHN GRIFFIN THE ELDER. I see it is distastfull to this nouse to speake for the goverment of the church.

[30*th sheet.*]

MOUNDAY, 7TH JUNE 1641.

[ECCLESIASTICAL CANONS OF 1640.

After the dissolution of the short parliament of 1640, the convocation continued to sit and in the course of their labours framed certain canons, one of which imposed the oath known as the *etcetera* oath. The unusual continuance of their sittings after the dissolution of the parliament, no less than the contents of the new book of canons, rendered the

[a] Nos. 7, 8, and 9 have been added from the Journals (ii. 167.

whole proceeding extremely unpopular. It became a subject of early consideration in the long parliament, sir Edward Dering taking the lead, and on the 15th December 1640, it was unanimously resolved, that the clergy have no power to make any canons to bind clergy or laity without the consent of parliament. (Journ. ii. 51.) On the day following, the house, with the same unanimity, passed resolutions condemnatory of the particular canons framed during the irregular sitting of the convocation, and appointed a committee consisting of Pym, Hollis, Glyn, Grimston, Hampden, North, Nath. Fiennes, sir Edward Dering, Maynard, St. John, Whitelocke, and others, to prepare their votes upon this subject for presentation to the lords, and also to consider of the conduct of archbishop Laud in reference to these particulars, and to draw up a charge against him and others. (Ibid. 52.) During the prosecution of Strafford the business slept, but now when the house was occupied with their bills about episcopacy, it came again under consideration.]

Mr. Maynord transmitted the votes about the cannons.

A convocation cald to the last parliment.

"*Ad tractandum de his et aliis*" to be presented under the kings hand.

[5] May 1640, parliment ended.

2 May, a commission sent to them to the same purpose.

7 May, a misrecitall given to the archbishopp about the oath to bee taken by all the clergy that are or shall bee, and them only.

(The votes Mr. Whitlock did read.)

The clergy may meet, propound, and conclud, accordinge to law.

William Malmesbey, *anno* 700 fol. 7°, *et* fol. 24 *anno* 900 *et anno* 747, *anno* 970 fol. 483. Sir Henry Spilman, &c.

Eclesiasticall lawes and cannons made by the parliment.

Will. conquerour, Will. Rufus, Henry the first, Henry the third, Edward the third, Richard the second.

When bishops made cannons they did make them temporall things, *ergo*, noe good prescription.

Mr. Standish his case; for citinge him, clergy were in a *premunire*.

From resumption of the supremisy till 1 *Jacobi*, and from thence till now, there was noe cannons made.

32 comissioners.

Noe new cannons without the kings licence and royall assent.

This is a negative clause, and this extends only to the fines.

230 regulars, 30 seculars, *in anno* 1533. These 2 beeinge taken away, the prescription fails.

The power of the clergy to make cannons, thus farr discussed.

The order of kings the ordinance of God, set downe in expresse texts of scripture. This was to draw all lawes to bee interpreted by themselves.

Any populer or papall power unlawfull. This was said at the breach of the parliment.

Noe time of necessity, yet they absolve the kinge from all rules of goverment, and that is more then lord Straford did.

They make an holyday, though the statute say, such and such shall bee kept, and noe other.

The Oath. Salvation. Disipline and doctrine. *Et cettera.* The kinge left out.[a]

To swere uppon noe occation not to alter, is to conspire.

And this may divide the kingdom.

All this beyond the comission.

Non to bee absolved without taking the oath *de parendo mandatis.*

[31*st sheet.*]

TUESDAY, 8TH JUNE 1641.

[THE ARMY PLOT.

The first trace in the journals of a knowledge of the army plot appears on the 28th April 1641, when Mr. Hyde was sent up to the lords with a message that the commons had

[a] The oath ran thus, "I A. B. do swear, That I do approve the doctrine and discipline or government established in the church of England, as containing all things necessaray to salvation, and that I will not endeavour by myself or any other, directly or indirectly, to bring in any Popish doctrine contrary to that which is so established, nor will I ever give my consent to alter the government of this church by archbishops, bishops, deans and archdeacons, &c. as it stands now established, and as by right it ought to stand, nor yet ever to subject it to the usurpations and superstitions of the see of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any equivocation or mental evasion, or secret reservation whatsoever; and this I do heartily, willingly, and truly, upon the faith of a christian. So help me God in Jesus Christ." (Nalson. i. 538.)

received information which made them fear that the earl of Strafford might have a design to escape, wherefore they desired the guard over him might be strengthened. On the 3rd May, after the king had made his injudicious appeal to the lords on Strafford's behalf, Pym communicated to the house of commons all the particulars of the plot which had come to his knowledge, particulars which involved persons very near to the king and queen in schemes not only for the release of Strafford, but for procuring the army to interfere in order to overawe the parliament. The protestation, the yielding of the king to Strafford's execution, and the passing of the bill to prevent the dissolution of the parliament, were the almost immediate results, but whilst these important events were in progress, a committee of ten of the lords examined the suspected persons, in the presence of a committee of seven of the commons, consisting of Hollis, Pym, Hampden, Strode, Fiennes, Clotworthy, and another member whose name I have not found. Their proceedings were conducted under a protestation of secrecy, (Journ. ii. 135,) but on the 7th June, Hampden was sent to the lords with a request that they would give the commons leave to make use of the examinations taken by the committee, and upon their consent, (Ibid. p. 169,) Mr. Fiennes made the report to the house of which the following is a note. It contains some important particulars elucidatory of this mysterious business which will not be found in Rushworth, Nalson, or, as I believe, anywhere else. The sitting was a very uproarious one, and produced the final separation between lord Digby and the popular leaders, upon which subject I shall add a few particulars in another place.]

Mr. Fines reported.

3 heades.

1. Concerninge the Tower-guard by captain Billingsley, and my lord Strafords escape.

2. A designe to engage the army against the parliment.

3. Bringing the French into England.

[*To the first head.*]

Captain Billingsleys examination. Hee knew sir John Sucklinge. The lieftenant told him hee was to serve under him with 100 men.

Eliz. Nut et al. say, they heard Straford *et* Slingsbie[a] conferring about an escape, and if this port could bee guarded for 3 moneths, there would come ayde enough.

The lieftenant of the Tower sayes, hee was commanded to receive Billingsly with 100 men. Straford confessed hee named an

[a] Lord Strafford's secretary.

escape, and Slingsbyes shipp, and offerd him 22,000£ payd him, and his sonn should have a good marrage.

To the second.

Lieftenant-colonel Ballard sayes, captain Jinkin offerd propositions from Henry Jermynee, Ashley, or Coniers.

Nucastle with 1000 horse, and all the French about London mounted.

Colonel Vavisor sayes, money and a nue generall, as Henry Jerman said, Chidley *et* Willis.

Captain Legg saies, Essex, Nuport, Ashbernham, Wilmot *et al.* falen off from the kinge.

Captain Palmes saies, Chidley was a forward man, and mad many propositions to breed a disafection *inter* parliment *et* army.

Captain Chidley sayes, the kinge would pawne juells rather then leave the army unpayed, and dislike of there letter. Jarman told him the parliment was soe in love with the Scotts that the army was not likely to be payed. Willis told him the best gentlemen would assist the army, and the French, and 1000 horse from the clergy. Davenet[a] *et al.* charged secricy.

The second part.

Jerman spake often with him about the army.

If the king *et* parliment should not agree, whither the army would stick to him or not.

Willis sayes, Sucklinge sayes, lord Nuecastle should bee generall, and the prince come downe, and then hee should come againe, although now hee were cashiered.

[a] Davenant the poet was arrested at Faversham about the beginning of May, endeavouring to effect his escape into France. He was kept in custody of the sergeant at arms until the 9th July 1641, when Dudley Smith esquire and William Champneys esquire, sewers to the king, were admitted to be his bail. He gave bond in £2000; his sureties in £1000 each. (Journals, 203, 205.)

Colonel Goring sayes, Jerman told him of the letter, that it was a briske letter, but not wisely pennd. Hee is bound upp by an oath of secricy from speakinge of the plot of the matter of the army. Percy administred the oath, and Wilmot, W. Ashbernham, sir Jo. Berkley, and Pollard were present, and noe other, and at that time Jerman tooke it, and the rest sayd they had all taken it.

Hee cleares Carnarvan, charges Percy, Jerman, Davenet, and Sucklinge. Jerman had the kings warrant to passe over. He stayed there from Wednesday till Friday morninge.

Jerman told him the parliment had accused him of high treason.

Jo. Cranfeild sayes, Sucklinge was to rayse horse as well as foote.

Captain Cotton sayes, Sucklinge was to rayse 3 regiments.

Sir John Sucklinge sayes, the king gave him leave to rayse 2 regiments. He meant not to raise horse. He had conference with the Portuagall embassador.

James Wadsworth sayes, the embassador told him hee knew him not.

[a] sayes, the embassador sayd hee knew not Suckling, and Suckling had furnished him and all the rest with money.

Mrs. Plowman sayes, [a] did send her a pack of armes because the parliment had ordred noe papists should have any, and afterwards hee fetched them away, for captain Billingsley, as wee suspect by the time.

To the third.

Petter Heywood sayes, hee received this letter [b] from Holcroft. The preest feard to bee murdred by the Scots, but England would bee in an ill case by the French, English army, English Papists, and the parliment would bee dissolved. It was but a turning of an hand whither this religion or ours shold prevaile.

[a] A blank in the MS.

[b] See Commons' Journals, ii. 145.

[a] *Holcroft.*

Hamlet Holcroft sayes the same.

Arthur Byron sayes the same in effect.

Will. Clewes, a marchant, saies, a preist, a Burgis, told him, England was sould by the queen into the hands of the French.

Letters into France. [b]

"God knowes the king is dejected, and the lords frighted, and that makes the cittizens and the house of commons shew there hornes. 'Tis daingerous to have England and Scotland united. Can the king and cardinal suffer the queene to be affronted?" [c]

Another of the same in effect.

Letters out of France.

Lord Leicester fit for all. Two hope for a reward for a meritorious act. Another in caracters, "That hee hopes the hors leaches would bee starved for want of blood."

Two letters taken at Madyston.

12 workmen wanting to the bishop of Calcedon.

All studients, founded by the cardinall.

[a] blank in the MS.

[b] Amongst the measures connected with the inquiries into the army plot was the shutting of the ports, with a view to obstruct the escape of persons implicated. This step prevented the despatch of foreign letters for one week, and at the same time those which came from foreign parts were detained in the hands of the postmaster by order of a committee of the commons. The letters thus secured were, upon a conference with the lords on the 11th May, referred to the secret committee to be perused, (Journ. ii. 143,) and the same proceeding took place in reference to the letters of the week following, although it was then rather unwillingly consented to by the lords. "They did yield to the opening of the letters," reported Pym, "but said, it would be very inconvenient, if often used." (Ibid. 150, 151.)

[c] These sentences contain the effect of some passages in an intercepted letter written by father Phillipps, the queen's confessor, to Mr. Walter Montague in France. See Rushworth, part iii. vol. i. p. 257.

The actions.

The flight of these men.

The place, France.

Straford is meant by 500, and his escape.

Mr. Samuel Bland sayes, Jerman desierd the command of Porchmouth from Goringe.

The French drawing there forces towards these parts.

Lord Digby sayd of colonel Goringe, "In my oppinion hee is perjured."

Hee explained it thus, "According to Wilmots sence."

Lord Digby said, That, in his owne oppinion, that colonel Goringe had not been perjurd had hee reveald the secret; but, in the sence that Goringe himselfe understood the oath, in his oppinion Goringe is perjured.

[Lord Digby seldom did right things, and, even when he did, seldom got credit for doing them from right motives. On the meeting of the long parliament he took a leading part in promoting the strong remedial measures of the opponents to the court. He was especially zealous in his opposition to lord Strafford, and was appointed by the house one of the managers of his impeachment; but when, upon Pym's suggestion, the impeachment was abandoned, after it had become clear that the lords would not convict the earl capitally, lord Digby opposed the bill of attainder, with as much zeal, and probably with as much sincerity, as he had supported the impeachment. The breach thus made was soon widened. Lord Digby's speech against the bill was a sharp and clever one, and excited no little animosity in the minds of his late associates. Certain passages in it were complained of, and he was ordered to attend in his place in the house and explain himself. He did so, and, as the journal says, "there was no more done thereupon at this time." (ii. 125.) But, as if he thought he had discovered a new way to the attainment of that leadership in public affairs which was the great object of his ambition, and was universally believed to be the cause of the change in his political opinions, Digby pushed on his advantage by publishing his speech, a step at that time unusual, and calculated to prejudice his late friends in the estimation of the public. The house referred the publication to the consideration of a committee (Journals, ii. 136), and, whilst its members deliberated, lord Digby went on opposing the measures of his recent friends, and converting that into an irreconcileable breach which may have been at first merely an honest difference of opinion. On the evening to which the passage in the text refers lord Digby's reflections upon Goring were followed by an instant outcry. He explained his words in the way stated in the text, but to strike at Goring's credibility was to impugn the very existence of the plot,

and in spite of his explanations he "was commanded to withdraw." The scene which ensued is worthy of being recorded on account of its dissimilarity to any thing we are now accustomed to. It was dusk, but the house being still in earnest debate, some members called aloud for "candles!" The majority opposed their introduction, "it being so very late," but brought in they were, by a mistake of the serjeant. When that officer appeared, bearing the candles in his hands, he was instantly commanded to withdraw, and was in the act of doing so, when two members, sir William Widdrington and Mr. Herbert Price, violently seized the obnoxious lights and bore them triumphantly into the house. A great uproar ensued, and in the midst of it the house adjourned. On the morrow this grave delinquency was made the subject of serious debate. The culprits explained, but in vain. They were commanded to withdraw, and a majority of 189 to 172 determined that they should be committed to the tower. Upon being called to the bar, they offered to kneel, but did not. Again they were "caused to withdraw," and after further debate were a second time called to the bar, where, "they kneeling all the while," the speaker communicated to them the judgment of the house. (Journals, ii. 171. Rushworth, part iii. vol. i. p. 283. Nalson, ii. 272.) After this amusing bye-play, the house resumed the business from which it had wandered, and passed a resolution vindicating the justice and honour of colonel Goring, (Journals, ii. 172,) and declaring that he deserved well of the commonwealth and of the house. On the day following they further supported his reputation by expelling lord Digby, his accuser, from the house, (Nalson, ii. 275,) and a month afterwards his lordship's speech upon the bill of attainder was directed to be burnt by the hangman, and the house agreed to pray the king to forbear to confer upon him any honourable employment. (Journ. ii. 209.) The vote came too late, for Charles, with his usual indiscretion, had made a favourite of this vain and now unpopular person, and had called him up to the house of peers by a writ dated the day before the vote for his expulsion from the commons. It was by his advice that the sovereign afterwards went personally to the house of commons to seize the five members. Sir William Widdrington and Mr. Price were discharged after six days' imprisonment. (Ibid. 175.)]

WEDNESDAY, 9TH JUNE, 1641.

[THE ARMY PLOT.]

Hollis reported from my lord Essex. Sayes lord Northumberland told him, Harry Percy had confessed the takinge the oath, and that others tooke it also, and expects a farther relation of the businesse.[a]

[a] Hollis and Hampden were directed to return the thanks of the house to the earls of Northumberland and Essex for this communication, (Journ. ii. 172,) the purport of which is not entered on the journal. The "farther relation" occurs afterwards at p. 94.

[32*nd sheet.*

THURSDAY, 10TH JUNE 1641.

BRINGING IN PLATE TO BE COINED.

The house having taken upon itself to raise money by loan, in order to pay the arrears due to the two armies still quartered in the north of England, became forcibly convinced of the necessity of doing so immediately by the disclosure of the army plot. On the 17th May alderman Pennington acquainted the house, that "money came in as fast as it could be told," (Journals, ii. 148.) but the supply fell off before it attained anything like the required amount, and on the 2nd June a proposal was made "for the bringing in of the plate of the kingdom, and for the speedy coining and melting of it." (Ibid. 164.) The subject was referred to a committee, who were attended by St. John, Selden, Hyde, Whitelocke, Maynard, and other lawyers, and a bill was ultimately brought in, which was read a first and second time on the 10th June. I have filled up within brackets several obvious blanks in the following brief note of the proposed enactment. (Ibid. 168, 170, 173.)]

All in England or Walles that have above £20 in silver plate [shall send half of it to be coined, and in the mean time to have security and interest for the forbearance.] 10 miles off London, within 4 dayes bringe in halfe. [Within 20 miles, in 14 days, and those that live within 60 miles, within] 20 dayes.

Soldred or unsoldred. Enterd in a booke.

SATERDAY, 12TH JUNE, 1641.

[DISBANDING THE ARMIES.

The following notes contain the substance of the resolutions come to upon a report of sir John Hotham from the committee for disbanding the armies. (Journals, ii. 173.)]

What money shall bee due to the soldier for there pay, over and above the billet money, shall bee payd to the cheife officer of every regiment, and to pay it to the souldier when they march away.

Sir Thomas Glemans regiment first to bee disbanded. The country regiment, when they are cald, shall guard Hull, and to bee paid if they are cald upp to servise.

Colonel Feldinges, colonel Vavisors, lord Hamiltons, colonel Wentworths regiments to bee disbanded as they are set downe.

The Scots may disband in a day, but the kings army will bee 16 or 17 dayes.

New country regiments come in to supply the kings army.

Not above 300 in a company when they disband.

Southerne men must first march away.

8*d.* alowed for every 15 miles to every soldier.

A new muster to bee made accordinge to which they shall bee payd.

[THE ARMY PLOT.

Hollis and Hampden communicated with the earl of Northumberland as before directed (see p. 91, note,) and this day the former reported, that the earl informed them, that he had received a letter from his brother of which he gave them the heads, stating that his brother wrote also of private business, which was the chief cause of his keeping the letter itself, but offering the house of commons a copy of the parts relating to the plot. The following is a note of the earl's communication as reported to the house. (Journ. ii. 174.)]

Harry Percys letter to lord Northumberland.

Harry Percy acknowledgeth the takinge the oath of secrecy. Hee speakes of others that knew of some perticulers that hee was not cald to.

This oath tied them to assist the king in some perticulers, if hee was denied them by the parliment.

To maintayne episcopacy in the votes and function. The Irish army not to bee disbanded till the Scotts were. The kings revenue not to bee abated.

[BILL FOR ABOLISHING EPISCOPACY.

This bill was brought into the commons and read a first and second time on the 27th May 1641, upon the exhibition of a determination in the house of lords not to deprive the bishops of their seats in parliament. After the second reading the bill was committed, and the committee was appointed to meet on the 3rd of June. (Journals, ii. 159.) It was afterwards postponed until the 7th, (Ibid. 165) and probably again until the 11th, when

Mr. Hyde, the chief opponent of the bill, was called to the chair, and the preamble was got through. On the 12th the committee sat again ; and upon their report the house resolved, without a division, that the taking away of archbishops, bishops, &c. should form part of the bill. In the late editions of Clarendon's History, in which the suppressed passages are printed, the noble author will be found to take credit for the lawyer-like manœuvres by which, in his capacity of chairman, he contrived to delay, and thereby to defeat, the bill. The following brief note refers to the proceedings of the committee on the second day of their sitting.]

Actions constant at all times to men of one order, 'tis a greate signe of there malignaty.

Oyle and water may bee severd, but oyle and wine never.

Pledwells arguments might have been used for the pope as well as for other bishopps.

VAUGHAN. Three things considerable in bishopps; election, confirmation, consecration.

Os episcopi, is a chancelour.

Oculus episcopi, is the comisary.

Consilium episcopi, is the deane.

[33*rd sheet.*]

MOUNDAY, 14TH JUNE, 1641.

[THE ARMY PLOT.

The house determined to accept the earl of Northumberland's offer of a copy of so much of his brother Henry Percy's letter as related to the plot, (see before p. 93, and Journals, ii. 174.) and directed Hollis and Hampden, their former messengers, to wait upon him and intimate their desire. On the 14th June Hollis reported that he had waited upon the earl of Northumberland and had procured the proferred transcript, which he then read to the house. The following is a note of its contents. (See Journ. ii. 175.)]

£10,000 for the Scots, taken out of the £50,000, disobleiged us, and made us enter into some consideration of serving the kinge according to the fundamental lawes, and I was to report it as a great servise to the kinge, and they were confident they could engage the whole army, but not to enfringe the liberties of the subject, or destroy the law. Propositions were drawen and consented

to, and an oath of secricy taken by Wilmot, Pollard, Ashbernham, Oneale, and Henry Percy. The 3 propositions below named.[a]

Percy told all to the kinge. Hee had been treated withall in an higher manner, more sharp, but wee would not consent to those perticulers. Then the king resolved to cleave to these proposition[s], and desierd Goringe and Germin should bee taken into the plot, and they pressed to have Sucklinge added.

The propositions on both sides were debated, and wee refused them, and the king told Jerman they were vaine and foolish. Goringe plotted to bee leifetenant generall and Nucastle generall.

When Holland was generall all was layd aside.

Hee knew nothinge of the Tower businesse.

Hee never spake either to Sucklinge, Carnarvon, or Davenat of this businesse.

This letter hath neither date, name, or superscription, but avoyd[b] to bee Henry Percy his owne hand.

[Wilmot, Ashburnham and Pollard, who were implicated by this letter, being members of the house, and all present at the reading of the letter, the house proceeded at once to deal with them as accused persons. (See Journals, ii. 175.)]

Wilmot withdrew into the committee chamber, Ashbernham into the out-roome below, and Pollard was commanded to stay and make present answere.[c]

Pollard knowes nothing of the £50,000, or £10,000 taken out of it. He knowes nothing of the parliment disobleiginge the soldiers, but in generall they had been severely used.

[a] They are not mentioned, but they were, i, The preservation of episcopacy in the church, and the votes of the bishops in the parliament; ii, That the Irish army should not be disbanded until the Scots were also disbanded; iii, That the amount of the royal revenue should not be decreased.

[b] i. e. *avowed.*

[c] Pollard was examined "upon interrogatories proposed to him by Mr. speaker." (Journ, ii. 175.)

The propositions Percy did present to them ready drawne, and hee thought them fuller of folly then dainger.

Those were the 3 propositions before mentiond.

If Percy propounded any thing to the king, hee did it without authority.

Pollard never undertook to engage the army, but they all tooke the oath before the propositions were read, and till of late he thought that oath bindinge. Sir John Berkley tooke the oath at the same time, and Percy read the oath out of a paper.

There was no desier made at that time for Percy to make knowne to the kinge. A petition was made from the army to the parliment, but it was utterly disliked.

Percy never told them the sharpe conditions that others offerd to the kinge. There were propositions made by Goringe and Jer. about bringing upp the army hither, if the king and people should disagree; whither the army would sticke to the kinge, if hee should bee opposed in just things.

Some desierd lord Essex, Percy desierd lord Holland, Jerman desierd lord Newcastle, to bee made generall.

He was not willinge to heare Jermans propositions. All these were present when Goringe to the oath. Hee knowes not of the Tower businesse.

Wilmot [a]. When the £10,000 was debated, hee sayd, "If I were carrion, you see there are crowes enow about mee." Percy made the 3 propositions and more to him, but hee never consented to them. Hee tooke the oath of secricy with others, before the propositions were made. The oath was, not to reveale, nor bee absolved but by on another, and it was debated not to reverse any thing donn this parliment, or free lord Straford. Propositions to serve the king. Those that were not justifiable were rejected, but the perticulers hee remembers not. He was present at that time when

[a] "Then commissary Wilmott was called down, and was examined upon interrogatories prepared. (Journ. ii. 157.")

Goringe saies hee tooke the oath, but hee did not see him take it. Newcastle was named by Goringe to be generall. Hee pressed Essex to be generall.

ASHBERNHAM [a]. Desiers neither favor of God or man, if hee have had either an ill thought, or donn an ill act, about this businesse now in question.

When the £10,000 was taken away, Percy spoke some words as though the soldiers were disobleiged by the parliment. Hee refused to do any thinge against this parliment, or to free lord Straford. If the takinge the oath, or seeinge it taken, bee a crime, then he desiers not to make answere to it. Hee heard wild discourses about the army in Percys chamber, but remembers noe perticulers. Hee named Essex for a generall; lord Nuecastle named.

Wilmot was committed to the tower, Ashbernham was committed to the kings bench, Pollard was committed to the gatehouse, uppon suspition of high treason.

Sir John Berkley and Mr. Oneale are sent for by a serjeant at armes as delinquents, uppon suspition of high treason, and my lord generall is to be moved to write to the officers to assist the serjeant.

[34*th sheet.*]

WEDNESDAY, 16TH JUNE, 1641.

[THE ARMY PLOT.

Percy's letter implicated colonel Goring (see before p. 95.), who, being a member of the house, attended this day in his place by order of the house, and, according to the journal, "made a declaration of all he knew in the business concerning the uniting the

[a] "Colonel Ashburnham was called in, and examined upon the same interrogatories as Mr. Wilmott formerly was." (Journ. ii. 175.)

forces of the army and putting it into a posture, and some other circumstances and consequences depending upon that business." After an examination, of which it is believed the following is the only existing note, his further examination was referred to the committee of seven. (Journ. ii. 177.)]

GORINGE desierd his relation [a] might bee read by the clerk, and then, if the house is unsatisfied, hee will desend to perticulers.

[1.] Being told of an intent to unite the army against the parliment, hee heakned to councells to get the armies greevances relieved.

Hee confesseth the oath, and a consultation with German.

1. First, putinge the army into a readinesse to serve the kinge.

2. Sendinge a declaration to the parliment that noe new act should be made contrary to former acts, and expressed episcopasie to bee kept up as now it is.

3. The kings revenue should bee established.

Hee was much against these propositions, and spake much against them.

Hee knew nothing of Germans designs, but thought his and these had been all on.

2. Severall intentions sugested by others before hee knew of them. Hee knowes not whither the heakning to them were a fault, but hee is sure it was noe misfortune.

Suckling was the first that told him anything of this businesse of the putting the army in a posture to serve the king and to march towards London. Lord Newcastle to be generall and Goring to to be lieftenant-generall. Hee desierd to know what terme before he accepted of it.

This was a day before the consultation was held.

He told lord Dungarvan that there were some officers of the army that had great zeal to the proceedings of this house.

German and hee camto Percies chamber, and were told by Percy that they were in debate of some things concerning the army, but it was fit that an oath of secricy should bee first taken.

[a] See before, p. 88.

Percy read the oath when they tooke it.

'Twas said the rest had taken it before, and then the three propositions were read to them by Mr. Percy.

Hee remembers nothing of the Irish army. He asked if the army should march to London, they all sayd, "Noe, till the declaration were first sent upp." Hee conceived Sucklings intent was, that the army should bring upp the declaration.

Hee propounded difficulties, and asked for amunition.

Wilmot and Ashbernham was against conqueringe the kingdome.

Hee propounded impossibilities to devert the injustice.

Hee propounded Suckling should bee admitted.

He related this to lord Newport, lord Say, lord Mandevill, and lord Bedford, altogeather. Hee referres the perticulers to them to relate.

This hee told them the day after the second consultation.

Jerman desierd him to meet about some propositions for the good of the army, but Jerman made the same objections that hee did.

Hee knowes nothing of any French forces cominge to Porchmouth.

Jerman moved to have lord Newport into Porchmouth, and to fix a troop of horse, and a goverment to his command in Holland.

Gorings answere to Percys letter.

There was two sorts of propositions. The lesse was declined, but Gorings were not propositions, but objections. Hee denies that ever hee did desier to be lieftenant-generall, or writ or sent to that purpose, but the contrary.

Jerman first proposed the bringing upp the army.

[*35th sheet.*

WEDNESDAY, 16TH JUNE, 1641.

DISBANDING THE ARMIES IN THE NORTH.

The following note is without date, but seems to relate to a conference and free debate by a committee of both houses respecting the disbanding the armies, which took place on the 15th June. It was reported to the house on the 16th by sir Thomas Widdrington, and this is probably a note of his report. (See Com. Journals, ii. 176, 177.)]

1. A generall disbanding is desierd. The want of money is the only hindrance. The lords will assist to get the money after wee have made an estimate.

2. Or else, when five regiments are disbanded treate with the Scots to withdraw there forces, and especially there artillery, and soe let the kings artillery.

The first is agreed.

Hull may bee taken by the Scot or mutineeres.

Lord Nidsdell agreed.

The money to disband only, and 300 in a company.

The traynd band march as farr as law bindes.

The chiefe officers to forbeare there pay.

A nue muster.

Fielding, Vavisor, lord Hamilton, Wentworth, all agreed to.

[On the opposite side of this sheet is written the following imperfect fragment of something begun but discontinued abruptly.]

The send downe the regiment

[*36th sheet.*]

SATERDAY, 26TH JUNE, 1641.

[BILL FOR TAKING AWAY THE COURT OF STAR-CHAMBER.

The history of this very popular bill is given by Clarendon, whose account is partly confirmed by the Journals. It was in the first instance a bill for regulation only, but, upon its

being reported in that form, a member unconnected with the movement party suddenly suggested that a jurisdiction so obnoxious should be abolished, and not be vainly endeavoured to be regulated, which was impossible. The suggestion was adopted without controversy, and the bill was recommitted for alteration. On the 31st May, Mr. Prideaux reported the amended bill. The amendments were twice read, and the bill was ordered to be ingrossed. (Journ. ii. 162.) On the 8th June it was read a third time and passed, and on the day following it was committed to Hampden to be carried up to the lords. (Ibid. ii. 171.) The principal amendment made by the lords was, that the suppression should take effect not from the passing of the bill, but from the 1st August following, the reason for which does not appear. Clarendon seems to have anticipated a revival of the court "when the present distempers," he says, "shall be expired." (Hist. Rebell. lib. iii.)]

The lords concurr in the maine scope of the bills concerninge takinge away the courts of star-chamber and high comission.

1st August 1641 next, the court of star-chamber shall bee taken away.

The star-chamber used at Yorke, and the marches of Wales, taken away on 1st August next, and never more any such courts to bee erected in England.

Neither king nor councell commit any person without expressing the cause, that the court may judge therof.

A proviso that this act extend only to such courts as are above expressed, or to the king or his prive councell.

THE BILL FOR THE TAKEINGE AWAY THE HIGH COMISSION.

[Clarendon says that this court had very few friends and many enemies, the latter of whom managed, instead of reforming, to destroy all its coercive powers, "leaving," he remarks, "adultery and incest as unpunishable as *other* acts of good fellowship." (Hist. Rebell. lib. iii.) He represents the bill thus framed as passing unconsidered "in that hurry." The journals do not at all confirm the notion that the bill was passed in any "hurry."]

A proviso that the penalties extend to such only as shall doe any thing in the two commission courts, and that noe such court shall heerafter bee erected, and to relate from 1st August 1641.

[*37th sheet.*]

TUESDAY, 6TH JULY, 1641.

[BREACH OF PRIVILEGE OF PARLIAMENT.

The following note refers to that sad instance of the tyranny of Charles I., and the servility of his courts of justice, the prosecution of sir John Eliot, Selden, and others, for their conduct in the parliament of 1629. The circumstances of this shameful case have been so lately detailed in Mr. Foster's valuable Life of sir John Eliot, that a reference to that work is all that is needful by way of illustration. Sir Ralph Verney's note is a good specimen of his ability as a reporter. He tells the tale briefly but clearly, with legal precision and completeness, and not without one or two glances at the pathetic incidents which distinguished this melancholy prosecution. For eight months, we learn, these patriotic men were kept "without use of pen, ink, or paper," and such was the rigour of Eliot's confinement that, his "casement being open, the lieutenant of the tower was chidden." This committee was appointed on the 18th December 1640, and then consisted of St. John, Nath. Fiennes, sir Philip Stapleton, Glyn, Maynard, Grimston, and 23 other members. (Journ. ii., 53.) More pressing business occupied their attention, and we hear no more of them until the 23d Feb. 1640-1, when sir Edward Deering, Goodwyn, sir Simonds D'Ewes, sir John Evelyn, Cromwell, lord Falkland, Hyde, and 17 other members were added to the former committee, and the new body was directed to meet on the following "Thursday, in the afternoon at two o'clock, in the duchy chamber." (Journ. ii. 91.) The proceedings against Strafford delayed their progress, but on the 14th June we find an order to receive the report on the following "Thursday morning at nine of clock," (ibid. ii. 175.) and a similar order on the 1st July for the following morning. (ibid. ii. 194.) Both these orders were ineffectual, but on the 6th July the report was made as is stated in sir Ralph Verney's note, and was immediately followed by various condemnatory resolutions, amongst them, one, which was probably not acted upon, for sending to the Tower Mr. Lawrence Whittaker, a member of the house, who had been employed in the searching and sealing up of "the chamber and trunks of sir John Eliot." (Ibid. ii. 201, 202, 203.)]

Mr. Glin reported from the committee.

Mr. Strood, Mr. Valentine, Mr. Hollis, Sir John Eliot.

17th March, 3 *Car.* the parliment began.

2nd March, 4 *Car.* adjorned till 10th March, 4 *Car.*

3rd March, a warrant for 9 of these, from 12 of the councell, to appeare 4th March at the councell table, and 4 of them did

appeare, and the lords told them, they had miscarried themselves in the parliment house, and that day they were committed by 16 of the councellours.

3 warrants from 22 councellours to seale upp Sir John Eliot, Mr. Hollis, and Mr. Seldens studdys and papers, and the warrants were executed acordingly. Hollis payd for his chamber 25 weeks.

Will. Strood and Wat. Long came not in till a proclamation fetched them in.

From 4th March, 4 *Car.* till 3rd November, 5 *Car.* committed without use of pen, inke, or paper.

Eliots casement being open, the lieutenant of the tower was chidden.

Easter Term, 5 [*Car.*] an information against these men in the starr-chamber.

They pleaded the jurisdiction of the court, and the plea was referred to the judges.

Then they moved for habeas corpus, and then cam a comitment under the kings hand for notable contempt and sedition.

In Michaelmas terme, 5 *Car.*, they might be bayld upon security for there good behaviour.

Then a latten information in the kings bench against them for the former words, on 5th November, 5 *Car.*

9th November, they were brought to the barr, and if they pleaded not 14th November, judgment should be given.

17th November, councell assigned. 21st November, clerke assigned.

26th November, they pleaded the jurisdiction of the court.

The kings atturney demurred, and a rejoynder the same day.

This was overruled in January, and order to plead 2nd February, and then judgment was given uppon a *nihil dicit.*

Eliot, £2000, and imprisonment, and surties.

Hollis, 1000 marks.

Valentine, £500.

Eliot died in prison.

Hollis payd his fine 12 *Car.*

Vallentine was imprisond two yeares.

Selden imprisond many yeares.

And soe did Strood.

Mr. Longe fined for cominge out of his county when he was sherife.

[38*th sheet.*]

8TH JULY 1641. THURSDAY.

[BILL FOR ABOLISHING EPISCOPACY.

After the resolution of the house on the 12th June, 1641, (see p. 94,) that the taking away of archbishops and bishops should form part of this bill, the question of the retention of deans and chapters presented itself for determination, and on the 15th June it was resolved, that all deans and chapters should be utterly abolished, and their lands employed for the advancement of learning and piety. (Journals, ii. 176.) The bill seems then to have been referred to a sub-committee, which on the 8th July reported to the committee of the whole house certain recommendations as to the application of the lands of deans and chapters, and a new scheme of ecclesiastical government. We have here a note of this report, and in the next paper, a copy of the resolutions which the house came to on the following day.]

The deanes and chapters lands put to feofees in trust to satisfie the king his dues, and [a]

The feoffees to pay it to the persons now in possession.

A savinge to all persons there estates, and all charitable uses.

Comissions to certifie what lands the bishopps, deanes and chapters now have, and what is payd out of those lands, and also to certifie what church livings are under £100 *per annum*, and also about chappells of ease.

Jurisdiction.

2 commissions for Canterbery and Yorke, for archiepiscopall goverment. And 9 or 5 of comissioners in every county to exercise episcopall goverment. All writs to bee directed to the comissioners, all ecclesiasticall courts devolved to them, and to meete monethly. If any comissioner dye [a]

[a] The MS. breaks off.

Ordination.

These comissioners give warrant to 5 ministers to ordaine any man into holy orders.

Commissioners shall call 3 devines to punish herisie, scisme, &c. according to eclesiasticall lawes.

5*s.* alowed for every dayes travell.

20*s.* for every neglect.

For non-payment of fees hee shall be as an excommunicate person, only hee may come to church.

All sutes, decrees, &c. now in being, to remaine as they are.

[39*th sheet.*

9TH JULY 1641.]

RESOLVED

1. That all the lands, possessions, and rights, of deans and chapters, shall by this bill bee committed into the hands of feofees, to bee nominated by this bill.

2. That all the lands and possessions of all the archbishopps and bishopps of England and Wales, except the impropriations and advousions, shall by this act bee given to the king.

3. That all the impropriations and advousions belonginge to the archbishopps and bishopps in England and Wales, shall bee committed into the hands of feofees, in the same manner as the deanes and chapters are appointed to bee.

[40*th sheet.*]

14TH JULY 1641, WEDNESDAY.

THE QUEENES JORNEY TO THE SPAW.

[" The house of Commons," says Rushworth, " receiving a report of the queen's desire to go to the Spaw for the recovery of her health (which her majesty alledged was much impaired by some discontents of mind, and false rumours and libels spread concerning her),

they fell into debate thereupon." (Part. iii. vol. i. p. 348.) A committee, consisting of sir Philip Stapleton, Hollis, sir Edward Hungerford, sir Walter Erle, Pym, sir John Hotham, sir Henry Vane, sir Ralph Verney, Hampden, Nathaniel Fiennes, and others, was appointed to prepare heads for a conference to be desired with the lords, with power to send for sir Theodore (in the Journals misprinted sir Thomas) Mayerne the court physician. (Journals, ii. 210.) The committee was appointed on the 14th July, and met on that day in the inner court of wards. The following is a note of their proceedings, with the examination of Mayerne.]

Heades for a conference.

Information that crowne jewells, as well as others, conveyed away, and also the crowne plate and other treasure.

The kings daughter to bee left in Holland.

The charge of the jorney.

The honour of the kingdome, beinge she goes for the repose of her minde, as well as health.

The season will bee past to take the waters.

[1.] If she goe with a small retinue then 'tis a dishonour to the nation, if with a great retinue the kingdom cannot beare the charge.

2. The corespondence that she may have with the ill party now abroad, and there ill councell, may bee daingerous to this state; especially all affaires beinge soe unsetled heere, and the king beinge at that time in Scotland. The jesuites and other active papists, and the fugitives.

3. The jewells, plate, money, and other treasures, beeinge ready to bee transported.

Move the lords to joyne with us to examen this businesse uppon oath.

4. Sussex and other papists have sould much land lately, and Lancasheire papists have exchanged much gold, by there agents in faires and markets, and many have gotten licence to leave the kingdome, therefore 'tis likly they may have a designe of some dainger in this jorney of the queenes.

Qu. of the secritary, what licences have been given for papists

to travell? And what licences have been granted under the kings owne hand?

The discomfort that this jorney will bee to the kinge, in respect to the queenes hazard in the jorney.

The respect the people hath of her saifty, and the discomfort of her absence in such a jorney, espeatially the kinge being absent.[a]

That the phisitions bee sourne.

The water may as well com hither as to Utrik.

The dishonour may happen to this nation in respect the princes is not of years, and soe the match may breake, and she sent back with dishonour.

The disadvantage it will bee to have her kept with her husband untell the marrage is acomplished.

Desier the kinge not doe any thing about this with[out] acquaintinge both houses of parliment.

Dr. Mayerne. The queen is sick in body and in minde, and she thinks shee cannot recover.

Shee hath a greate oppinion of the Spaw water.

i. To cure her body she must have her minde quieted, and out of [reach of] imployments that may disturbe [her]. Her faith hath a greate power [over] her.

Concerning Spaw water.

For the present it is not good, yet they may bee prepared so as shee may take them, either uppon the place or neare. The queene need not use the waters now, her body must bee first prepaired; but satisfie her mind, and it will helpe the cure very much.

She beelieves she is very ill, and Spaw waters would doe her good, and any change of aire would doe her good, bee it what it will.

He sayes she is daingerously ill, both in minde and body, and if you cure her minde it would helpe much to the cure of her body. Spaw water not fit for her for the present, her body not being prepaired. His oppinion, her minde being quieted it would

[a] The king was about to visit Scotland.

bee much helpe to me[dicine] in the cure. Unlesse remidies bee not [a] used she cannot live.

The waters must bee taken between this and the midle of August.

Waters have twice donn her good, and Spaw water is better then the best waters in England.

She is to goe to Utrick or Arnam, if she will goe into Holland.

[The committee having reported the proposed heads of the conference, the house voted them, one by one, and a conference was afterwards held, of which Pym and Hollis were the managers for the commons. At the conference the two houses agreed to certain "considerations to be offered to stay the queen's journey," which were to be submitted to the king. The following *memoranda* refer to these considerations.]

i. Greate cause to doubt the papists have a designe to work uppon the queenes jorney. They have sould much land. [b]

ii. The fugitives lately are full of malice; cheifly [c]

iii. Greate quantities of treasure prepaired to bee transported.

iv. As it will bee a dishonour not to have the queen attended as she should bee, soe it will bee unsupportable to afford her soe much cost as will support the jorney.

[On the day following, the 15th July, the two houses were admitted to the presence of the king "in the banqueting-house at Whitehall." The considerations were presented by sir John Banks, "upon which his majesty, being well satisfied, desired they would take a convenient time to satisfie the queen." (Diurnall Occurences, p. 286.) On the next day a committee of six members of each house waited upon the queen at Whitehall, and presented her with "the reasons to disswade her . . , promising her that if any thing within the power of parliament may give her majesty contentment, that may tend with the publike good, they will be ready to give her satisfaction in all things." (Ibid. p. 289.) The following was her majesty's answer.]

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[a] So in the MS.

[b] This head stands more fully expressed as follows in another part of this sheet, "i. There is cause to doubt that the papists have some designe upon her majesties jorney, because the house hath been informed that divers of them have sould lands to a good value and used other meanes to get ready money. It is observed some of them have ——."

[c] The MS. breaks off.

[41*st sheet.*

16TH JULY 1641.]

"I give many thanks to both houses of parlament for there greate care of my health, and for there affection to mee, hopinge that I shall see the effects of it. Truly nothinge but my health could have made me resolve of this jorney, and if I thought that I could serve the kinge and this kingdom with the hazard of my life, I would doe it; and I hope you beleeve I have soe much intrest in the good of this kingdome that I shall never wish any thinge to the prejudice of it.

"You will pardon the imperfectnesse of my English; I had rather have spoke in any other language, but I thought this would bee most acceptable."

[A few days afterwards the queen sent a further answer in writing, of which the following is a copy.]

[42*nd sheet.*]

WEDNESDAY, 21 JULY, 1641.

"When the parliment the other day exprest there affections to mee in taking into consideration the jorney which I had resolvd on for recovery of my health, and represented a desier of my stay, with a tender care of removing all occations of my indisposition, I could not then give a positive answere, such as I desierd, for there satisfaction, because I knew not if my health would give way unto it; but, since that time, I have resolved to venture my health, and (for complying with there desiers) not to goe, seeinge my presence heere will bee acceptable to them, and that they conceive my presence heere will bee for the goode of the kingdome. For I desier nothing more than to let them see that I shall in all things bee ready to gratifie them, and to serve this state, though (as I then sayd) with the hazard of my life.

[A committee of members of each house waited upon her majesty, and returned the thanks of both houses for her gracious message. (Journals, ii. 219.)]

[*43rd sheet.*]

THURSDAY, 22ND JULY 1641.

[THE ARMY PLOT.

The committee of seven appointed to investigate this conspiracy (see before, page 86), having the assistance and the clue afforded by Harry Percy's letter, zealously prosecuted their inquiries, and soon brought to light the whole circumstances. On the 28th June 1641, Selden, Maynard, Glyn and Hill (four lawyers) were added to the committee, with directions to prepare heads of charge against the persons implicated, (Journals, ii. 190,) and on the 22d July they made a report to the house of certain articles of accusation against Jermyn, Percy, and the rest. The report, being made late in the day, was not concluded when the house rose, (Diurnall Occurences, p. 311,) and was appointed to be continued on Saturday, the 24th July. The articles were ordered to be kept secret, and the clerk of the house was enjoined not to give out any copy of them, nor to shew them "to any man whatsoever." (Journals, ii. 220.) Rushworth is quite silent respecting them. Nalson says, "They (*i. e.* the articles) were about the conspiracy, but, not being entred in the journal, I cannot oblige the reader with them." (i. 406.) They are here published for the first time.]

Mr. GLIN. Reported from the committee of seaven.

1. That an army beeing raised in Yorkesheire, Jermyn, Percy, Suckling, and Davenat pleged to bring it against the parliament in Aprill last, to compell them to agree to some propositions which they had framed, and to hinder the proceedings of the parliment.

2. Percy endeavourd to perswad Ashburnham, Wilmot, Berkley, Pollard, and Oneall, that they were disobleiged by the parliment, and soe on, with the 3 propositions; preserving bishopps functions and votes, not disbandinge the Irish army till the Scots were disbanded, to uphold the kings revenue.

3. Percy administred an unlawfull oath to bee secret in the businesse.

4. Jerman perswaded to bringe up the army, and secure the tower, to compell the parliment to there designes.

5. Jerman, Suckling, and Davenat, did endeavour to disaffect the army to the parliment, and to stick to the king, and the

French should helpe at London, and the prince and lord Nuecastle should assist with 1,000 horse at Notingham.

6. Sucklinge raised men for Portugual, and plotted to put 100 men into the tower, as Jerman advised, and to free lord Straford, and [a]

7. Wilmot, Ashbernham, Pollard, Berkley, Oneall, by Percy's inducement tooke the oath, and had divers consultations about the propositions; Wilmot, Ashbernham, Pollard, and Oneall, denied all uppon there oathes, and that Berkley and Oneall are now fledd.

Proofes, first to the first article.

Percys letter says, they were most confident they could engage the whole army, which would bee a great servise to the king, as his affaires then stood.

[*44th sheet.*]

FRIDAY, 30 JULY, 1641.

[THE PROTESTATION.

The commons having sent up to the lords a bill rendering it compulsory upon all persons to take the protestation, (see p. 66-71.) the lords this day voted, that they approved of the taking of it by the two houses, but not of the general taking of it throughout the kingdom, and so "cast the same out of the house." This vote excited great indignation in the commons, and was no sooner known to them than, "conceiving that the bishops," or, as another account says, "the bishops and the popish lords, were the chief cause of casting out the said bill," they appointed a committee to prepare an impeachment against the bishops in reference to the canons and oath of 1640; directed Mr. Pelham, Mr. Reynolds, and Mr. Rigby, to prepare a bill that no man that would not take the oaths of allegiance and supremacy should give a vote in parliament in any matter of religion or church government; and also passed the following resolutions in reference to the subject of the rejected bill.]

RESOLVED UPPON QUESTION. That this house doth conceive, that the protestation made by them is fit to bee taken by every on well affected in religion, and to the good of the common wealth,

[a] The MS. breaks off.

and therefore doth declare, that what person soever shall not take the protestation, is unfit to beare office either in church or common wealth.

ORDRED. This vote shall bee sent down to the counties and burrowes.

[*45th sheet.*]

SATERDAY, 7TH AUGUST, 1641.

[THE KING'S JOURNEY INTO SCOTLAND.

The king's meditated visit to his ancient kingdom was regarded with considerable dissatisfaction, and even apprehension, by the leaders of the English parliament. He would pass through the still undisbanded army which had recently been the centre of a conspiracy against them; the affairs of England were in confusion, and many measures of great moment pending undetermined before the parliament; he was removing into a country which was not only animated by many ancient jealousies of England, but which within a few years had twice successfully invaded her northern frontier. These and other causes operated so strongly upon the public mind, that not only the parliament but "most men," in the words of Clarendon, "had no mind he should go into Scotland." (Hist. Rebell. lib. iii.) After considerable postponement, at the request of the two houses, the king remained fixed to set out on the 9th August. The commons then desired the appointment of a *custos regni*, with power to pass bills during the king's absence, but the lords refused to concur with them in soliciting the delegation of any such general authority. Time slipped on in debates between the two houses, until Saturday the 7th August arrived without any provision having been made for the conclusion of business during the king's absence. That Saturday's sitting, of which the following is a report, was a very long and confused one. In the afternoon the king came to the house of lords and passed all the bills which had arrived at maturity, but gave no hope of any further delay. What is noted in the following paper took place after the king had left the house, the first resolution being to adopt the very unusual course of sitting on the next day, Sunday. "Both houses," it is said in the Diurnall Occurences, "sate till ten of the clock at night, but could not agree upon any thing." (p. 332).]

Mr. STROD. A message to the lords that we sit to-morrow at 8 o'clock tomorrow,[a] and desier them to doe soe too.

The lords will sit at 8 o'clock as is desierd.

ORDRED. Wee all meete at St. Margarets church, to heare prayers and sermon, too-morrow at 6 of the clock.

[a] So in the MS.

Mr. Callamy is appointed to preach.

[ORDRED.] All the members of the house, in regard of the greate and weighty affaires that import the saifty of the kingdome, do repaire hither with all possible speed, uppon paine of incurring the highest displeasure of the house for there neglect.

ORDRED to be published by the knights, burgesses, citizens, and barons to the sherifes of every county, and the head officers.

The house to bee cald peremtorily on Wednesday senight.

A REMONSTRANCE to bee made, how wee found the kingdome and the church, and how the state of it now stands.

A message too-morrow to the lords, to move the king that a day may bee appointed for a generall fast.

THE LORDS desierd a present free conference concerninge the kings jorney into Scotland. We gave a present meeting, and ordred all the members to returne back to the house.

THE LORDS assented to move the king to stay his jorney 14 dayes, if it could stand with his engagement to the Scots, and, however, to stay till Tuesday night at 6 o'clock, and soe farr they knew would stand with his engagements, but they would doe nothing till they heard from us againe.

Then wee sent for another free conference, and in that wee told the lords, for many reasons wee still desierd them to joyn with us to move the king to stay his jorney 14 dayes absolutely, for his stay till Tuesday will not serve turne as the affaires now stand, and also that a messenger may bee sent to the parliment of Scotland to represent the cause of the kings stay, and they doubtles will bee soe sencible of the peace and quiet of this kingdom, that they will easily bee satisfied with it.

The reasons of our sittinge to-morrow, being Sunday, may be entred into the jornall booke.

[*46th sheet.*]

SUNDAY, 8TH AUGUST, 1641.

[THE KING'S DEPARTURE FOR SCOTLAND.

The following clear note of the proceedings of the Sunday sitting is valuable on many accounts. Amongst other points which it clears up is the following. Nalson, after a sneer at the manner in which the Lord's day was, by the presbyterians, "idolized even to down right judaism, many of them thinking it unlawful even to dress provision for their families in that day," states, that, "*the commons* were resolved to do something in vindication of this so unusual a sitting, and to give the nation the reasons for it, *which Mr. Pym did in hæc verba*" (ii. 436). It is clear from sir Ralph Verney's note that the declaration of the reasons for the Sunday sitting proceeded altogether from the lords, and was prepared by them.]

THE LORDS sent us word, they had joyned with us to move the king to stay his jorney into Scotland 14 days, as was desierd.

THE LORDS desierd a free conference presently concerninge the kings jorney into Scotland, and wee agreed to it, and it was, to agree uppon the manner of representinge all our desiers to the king.

Mr. SOLICITOUR deliverd this message from the king.

That his majestie desiers wee would expedite the treaty, for he had rather passe it in his owne person then by commissioners.

A conference with the lords; first, thankinge them for joyning with us to stay the king 14 dayes; secondly, to propound a care to take away all jelosies between us and Scotland, about the publique faith as given for his coming at this time; thirdly, to send to the Scotish comissioners to tell them this parliment intends to petition the king to send a commissioner to Edenborough, to dispatch there affaires in the kings absence, untell hee can com thither; fourthly, to send commissioners to Scotland to aquaint them with the reasons of the kings stay, and of our care to petition for a commissioner for them; fiftly, to know if the Scotish commissioners have an absolute direction to presse for the kings speedy goinge into Scotland, and to bee donn in a frindly way.

THE LORDS sent us word, they agree with us in all points mentiond in the last conference, and have sent two lords to the Scotish commissioners as was desierd, and they desier a conference presently, to treate of reasons to bee declared why wee were forced to sit this day, beinge Sunday. Wee gave a present meetinge as was desierd.

A message from the lords, that the king hath appointed both houses to attend him at 4 o'clock this afternoon, about this businesse, at the banqueting house at Whitehall.

The LORDS sent us a declaration of the reasons that forced us to sit this day, and wee agreed to it *nullo contradicente*, and moved the lords, if it passed soe in there house, that it may be soe recorded, and they agreed to it and entred it acordingly, and also orderd to have it printed.

At 4 o'clock wee went to Whitehall, and the king told us, hee would stay till Tuesday, but could stay noe longer.

The lords sent us the Scotish commissioners answere in writing, which was, that the kinge going could not be defferd, without irreparable losse and dainger.

MOUNDAY, 9TH AUGUST, 1641.

[MESSAGE FROM THE KING.]

MR. SOLICITOR brought this message from the kinge.

The kinge will not stay till Michelmas in Scotland, and perhapps not till the medel of September.

Hee will hast the disbandinge of the armies.

There will come a bill from the lords to secure the goverment of the kingdome.

[REASONS FOR DELAYING THE KING'S JOURNEY.]

1. That 2 armies are still in the kingdome.
2.

3. The kings jorney lies through the armie, to the hazard of the kings person.

4. The kingdom is ill provided to prevent any invasion or mutiny, but in 14 dayes there might be reasonable provision made.

5. The papists are not yet disarmed, but there is a bill to that purpose.

Wee had a conference with the lords about the kings leavinge a commission to governe the kingdom and passe bills in his absence, and this to bee don by law.

[*47th sheet.*

TUESDAY, 10TH AUGUST 1641.

The following fragment is all that occurs respecting the proceedings of this day. The king had determined "to pass a bill, and in it a commission" to give his assent to certain pending bills. The bill was passed through the house of lords in great haste, but in the commons it met with opposition, that house wishing that the commissioners should have authority to pass all bills which came to maturity during the king's absence. The commons amended the bill accordingly, and returned it to the lords with certain reasons for their amendments. The words at the top of the following paper are probably those introduced as an amendment, and the passages marked 1 and 2 are two of the reasons assigned to the lords. The bill was not passed.

The last passage relates to a solicited commission for a committee of each house to be sent to attend the king in Scotland. The king declined to grant any commission, but gave the members appointed leave to attend upon him. Accordingly lord Howard of Escrick from the lords, and Hampden, Fiennes, sir Philip Stapleton, and sir William Armyne from the commons, followed the king into Scotland, and kept up a correspondence with the parliament during the greater part of his stay there.]

and to any other act or acts that shall be agreed uppon by both houses of parliment.

1. Never any parliment accepted of a limited commission.

2. Such a precedent might be daingerous.

3.

A message to move the lords to joyn with us to petition the

king, to leave a warrant for the ishuing out a commission, to authorise such members of this and the lords house that shall be named by parliment, to treate as commissioners in Scotland, and to see such acts passed there as are agreed on to bee passed there, and to keep a right understanding between the king and this house.

[The king came to the house of lords on Tuesday morning the 10th August, and gave his consent to the treaty with Scotland, and several bills which had been urged forward to completion within the last few days, amongst them a bill "whereby he made the earl of Essex general of all his forces on this side Trent, by which he hath power to raise forces in case of necessity." His majesty declared "he would take some further time to consider" of a request by both houses that he would appoint the earl of Salisbury lord treasurer, and the earl of Pembroke lord steward, "and so his majesty, making a short speech, desiring their care in his absence, took his leave, and about two of the clock set forward on his journey, having none in his company, but the prince elector, and the duke of Richmond, and marquesse Hamilton." (Diurnall Occurences, p. 336.) A month after the king's departure both houses adjourned to the 20th October, appointing a committee, of which Pym was the chairman, to sit and transact business during the recess.]

[*46th sheet, continued.*]

THURSDAY, 12TH AUGUST, 1641.

[THE ARMY PLOT.

After debates upon several intermediate days, the house came now finally to consider, what was the specific crime of which Percy, Suckling, Jermyn, and Davenant had been guilty. "After long debate," of which the following paper contains a note of only a small part, being speeches by Selden and Holbourne, the first three were voted guilty of high treason, (Journ. ii. 253) "and then falling about Mr. Davenant there was great debate, but broke off till further consideration of the evidence against him." (Diurnall Occurences, p. 338.)]

SELDEN. The conspiringe to bring upp an army to compell the parliment by force, is not treason, but, if this act bee put in execution, 'tis treason.

This house and the lords house are commonly cald parliment, being undevided from the king, but 'tis doubtfull whether this is treason or not, at the common law.

If these were to bee indicted, they must bee indicted uppon the statute 25 Ed. 3. for levyinge warr against the king. But this statute took away all treasons at the common law.

HOLBOURNE. This is either levyinge warr against the king or compassing the kings death.

An army is in the kingdom.

A parliment is sitting.

Some men plot and contrive to bring this army to compell the parliment in a sedition.

Quære. Whither the intent to levy warr against the parliment (the king being left out) is treason within the stat. 25 Ed. 3.

38 Eliz. Bradshaw and Burton, an intent to throw down inclosures, and goe to hurt first on man and then another, this was resolvd treason, though noe act were comitted.

After this 13 Eliz. a statute was made to make the intent to kill the queen or levie warr treason, &c.

[*48th sheet.*

WEDNESDAY, 17TH NOVEMBER 1641.

THE ARMY PLOT.

The MS. of the following note is without date, but it evidently contains the purport of certain examinations respecting the army plot which were read before the house on the 17th November 1641. Amongst the persons accused of a participation in that affair were sir John Berkley (see p. 88), and Daniel Oneale (see p. 95). They left the country to avoid being examined before the parliamentary committee, but returned secretly in September, during the recess, and whilst Charles was in Scotland. After visiting the queen, they determined to make known their presence in England to the great leader of the commons and chairman of the recess-committee, Pym. They accordingly waited upon him at his "lodgings at Chelsea," and professed their willingness to submit to the pleasure of the house (Journ. ii. 290). They were taken into custody, and the facts being reported to the house at its first sitting after the recess, an order was made for their examination by the former joint committee upon the army plot. (See p. 86). Oneale contended before the committee that the acts of pacification and oblivion, passed upon completion of the treaty with Scotland, operated as a protection to him, and declined to answer any questions. The house of commons overruled this plea, (Journ. ii. 313.) and he then submitted to examination. On the 15th November, sir John Hotham was sent to the lords to request that the commons might have "a perusal" of the depositions which had been taken. They

were accordingly sent to them by the lords on the same day, and on the 17th we find in the commons' journals, that the examinations of Mr. Daniel Oneale, sir Jacob Ashley, sir John Conyers, and captain William Legg, were read. (ii. 318.) The affair to which they relate was voted by the commons to be "a second design to bring the army up against the parliament," and it was resolved that Oneale should be accused of high treason. (ibid. 333.) He was sent to the gate-house, and afterwards to the tower, whence he escaped, in woman's apparel, just before the breaking out of the war, and joined the king. He was one of the loose adventurers whose adherence to the king, and his majesty's dependence upon them, did great harm to his cause. (Hist. Rebell. lib. viii.) Sir John Berkley was let out on bail by the parliament, and was a distinguished commander on the king's side during the war. He was afterwards governor to the duke of York.]

ONEALL told Ashley and Coniers that the king knew them to be soe gallant men that non should be set over them, and further the king would have a care of there fortunes.

Hee denies the bringing the army to London. Hee never movd a nutrality with the Scots.

ASHLEY says, Oneall told him a petition from the army to the parliment would doe well, being things went ill between the king and them, and the city would rather pay the Scots then the kings army. A letter with C. R.[a] to Leg; to shew the letter to non but Jacob Ashley. That Oneall speaking of bring[ing] upp the army sayd, "What if the Scots could be made nutrall?" Ashley told him the Scots would never forsake the parliment.

SIR JOHN CONNIERS confesseth the same letter. Oneall desierd Coniers to write to the king, but hee refused. A petition to call upp the army to secure the person of the king and parliment for feare of tumultuous spirits.

LEG will not say what the two letters were, nor cannot swere who writ them to the directions. Oneall perswaded him to take part with the king, and perswaded him and Armstrong to signe the writing, but both refused.

[a] See Hist. Rebell. lib. iii.

[*49th sheet.*]

22ND NOVEMBER 1641.

REMONSTRANCE.

[Regarded in its effect upon the constitutional government, the bill for preventing the dissolution of the parliament was the most directly revolutionary measure which had as yet emanated from the governing party in the commons, but the remonstrance was practically a far clearer move towards a breach with the king. The former passed without opposition, and almost without observation, during the shame and confusion which overwhelmed the king and his best friends upon the discovery of the army plot. The latter formed the subject of the most violent party contest which had yet taken place, and of a memorable debate, of which the following paper gives a brief but most valuable report ; the first, with the exception of the published speech of sir Edward Deering, that has ever been given to the world. The idea of the preparation of a remonstrance, which should set forth the many illegal practices of the government, was entertained from the first sitting of the parliament (Journals, ii. 25, 32, 42), but the leading members were so fully occupied in more stirring business that the notion was allowed to slumber until just before the house was about to separate for the summer recess. At that time, during the fever of apprehension in reference to the king's journey to Scotland, the proposal was again revived, (Journals, ii. 234, and see before, p. 113,) and on the meeting of the house in October, after the old illegalities which the remonstrance was to set forth had been remedied, it was vigorously urged forward with an obvious design to rearouse the feelings of the people on behalf of further suggested alterations in the frame-work of the government. After many debates upon separate clauses, it was settled, and brought in engrossed, on Saturday the 20th November, 1641. Clarendon says, that the movement party urged its passing on the same day, and that a postponement until the next day of sitting was procured with difficulty. After the debate, Cromwell inquired of Lord Falkland, "why he would have it put off, for that day would quickly have determined it." He answered, "There would not have been time enough; for sure it would take some debate." The other replied, "A very sorry one." (Hist. Rebell. lib. iv.) But Monday proved that Cromwell was mistaken. Twelve at noon was the hour appointed for the debate, (Journals, ii. 321,) and it continued until the then unprecedented hour of twelve at night. Several divisions took place in the course of it, but that by which the remonstrance was finally adopted, and which sir Benjamin Rudyard compared to the verdict of a starved jury, was, yeas, 159 ; noes, 148. Even then the business of the sitting did not terminate. Hampden immediately proposed that the remonstrance should be forthwith printed and published. Clarendon would have us infer that this was a breach of faith, the leaders of the majority having professed, that, although they desired the passing of the remonstrance in their own vindication, they designed it to remain as a monument of their labours rather than to be used as a present means of exciting the people ; but Clarendon is so extremely inaccurate upon this subject, that it is difficult to know

whether any reliance at all should be placed upon his uncorroborated testimony. However that may be, the proposal created a scene of the wildest uproar, which lasted until three o'clock in the morning. Herbert, who was present, and who is a most unsuspicious witness in Hampden's favour, declares, "we had catcht at each others locks, and sheathed our swords in each others bowels, had not the sagacity and great calmness of Mr. Hambden by a short speech prevented it." (Mem. p. 202. edit. 1701.) In the end, the printing of the remonstrance was postponed until further order, but the house refused to restrain its publication, by a majority of 124 to 101. (Journals, ii. 322.) Another part of the scene of this memorable night will appear in a following paper. As the members left the house, lord Falkland asked Cromwell, "whether there had been a debate?" to which he answered, "that he would take his word another time," and whispered in his ear, with some asseveration, "that if the remonstrance had been rejected, he would have sold all he had the next morning, and never have seen England more; and he knew there were many other honest men of the same resolution." "So near," says Clarendon, "was the poor kingdom at that time to its deliverance." (Hist. Rebell. lib. iv.)]

Mr. Hide. Wee may desier to see, but not devulge, our owne infirmities, noe more then a generall the defects of his army to his enimy.

The end of this remonstrance is peace.

Wee are accused to have don nothing, either for king or kingdome.

If a parliment must make an appology, wee may shew what wee have donn without looking too farr back.

All is true, and expressed modestly.

Wee stand upon our liberties for the kings sake, least hee should bee king of meane subjects, or wee subjects of a meane king.

Sir John Eliots imprisonment under the kings owne hand, and the kings wanting bread, ill expressed.

Lord Faukland. This casts a concealing of delinquents uppon the king.

Arminians agree noe more with papists then with protestants.

"*Bellum episcopale,*" only said by on bishopp, but laid uppon the bishopps, and soe, "bringing in idolatry."

Orders and ordinances made to command and forbid, where there is noe law for them. Many good lawes made now bishopps

and popish lords are sitting in parliment, we confesse, yet wee say, non can bee made whilst they sit there.

Preist and clerke, about approbation of councellours, where on approves and the other names.

Sir Edward Deering. Noe man can expresse the sence of the common people.

Many bishopps have brought in superstition, but not on idolatry.

Advancement of learninge is promised, but take the greate bason and eure [the bishopps [a]] out of the lottery, and very few will venture to throw.

Sir Benjamin Rudjer. A declaration is necessary, being papists, delinquents, and libertines accuse us falcely.

Appologies alwaies suspitious, *ergo*, unfit for a parliment.

The narrative part in part he agrees to, but not the propheticall part, least wee faile of our performance.

Mr. Bagshaw. The court of chancery, *quære* "growne arbitrary and unjust in there jurisdiction."

"The rest of the clergy," blames and comprehends all the clergy.

Sir John Colepeper. It speakes of altring the church goverment, will offend the people.

The declaration going but from this house goes but on on legg.

Wee never desierd the lords to joyne.

All remonstrances should bee addressed to the king, and not to the people, because hee only can redresse our greevances.

The parliment is not scandled by any publique act, *ergo*, need not send any declaration to cleere themselves.

Our writ doth not warrant us to send any declarations to the people, but to treate with the king and lords; neither was it ever donn by any parliment heertofore.

Daingerous for the publique peace.

Mr. Pim. The honour of the king lies in the saifty of the people,

[a] This is inserted in the MS. between brackets, as a parenthetical explanation.

and wee must tell the truth; the plots have been very neare the king, all driven home to the court and the popish party.

Let a law bee made against sectaries. Ministers driven out of England for not reading the booke of sports, and they are now sepratists beyond sea.

The popish lords and bishopps doe obstruct us. Noe breach of priviledg to name these, for wee have often complaind of lords being away, and lords miscarrages.

Nothing but a declaration can take away the accusations that lie uppon us.

Wee have suffered soe much by councellours of the kings chusing, that wee desier him to advise with us about it, and many of his servants moove him about them, and why may not the parliment?

A peace was made with Spaine without consent of parliment, though king James promisd the contrary.

Alter-worshipp is idolatry, and that was injoyned by the bishopps in all there cathedralls.

Learning will be better provided for in the generall.

The declaration doth not prophecy, but say what is fit, and may easily bee donn.

The English courts have usurped an unjust and arbitrary jurisdiction.

The matter of the declaration is not fit for the lords, for the matters were only agitated in this house, and againe many of them are accused by it.

Remonstrances are not directed either to the king or the people, but shew the acts of this house.

This declaration will binde the peoples hearts to us, when they see how we have been used.

Mr. Bridgman. A condition of men to bee taken away, being they are not at all moderate.

Wee can only consent, councell, and petition. The indemnity of the lords and commons saies, nothing shall be reported out of either house, without consent of both houses.

Wee aske approbation of all councellours for ever, and the losse of Ireland is only named for the reason, when[a] wee may put our guifts into other hands, for this time. For wee make our demaund generall, and our reason particuler.

Mr. Waler. This is rather a pre- then a re-monstrance.

Lawes are the children of the parliment, and wee must not destroy them with orders and declarations.

Freeholders have power to chuse us freely to make lawes, and yet the king must not chuse councellours to advise according to law without our approbation.

This is a remonstrance against the lawes.

Mr. Hampden. The moone is not so usefull to the church as the starrs. When the woman shall bee cloathed with the sun, the moon shall be under her feet.

When we find ill councells, wee may say there are, and may complain of ill councellours.

Any man, when he is accused, may say hee hath donn his endeavour, and wee say noe more in this.

The party is prevalent against us, and therfore wee may say it openly, "Wee have given our best advise."

Noe counter remonstrance can come against us, being 'tis wholy true.

Mr. Hollis. The kingdom consists of three sorts of men, the bad, the good, and the indifferent, and these wee hope to satisfie. They can turne the scales.

We have power by writ to doe this, for wee are cald *ad tractandum de arduis negotiis, &c.*

The lords have often made declarations without us, as about the Irish nobility, and wee without them, as about the duke of Buckingham.

All necessary truths must bee told. If kings are misled by there councellours, wee may, wee must, tell him [a] of it.

[a] So in the MS.

Wee only beseech the king to chuse good councelours, for against such this house will never except.

Mr. Glin. 'Tis against nature not to have liberty to answere a calumny, and there is noe way but by remonstrance.

We made a remonstrance 1 *Car.* and that without the lords, and 3 *Car.* if the speaker had sate still, on had been made, and noe fault found with it.

Both the lords temporall and the bishopps have often severally protested.

'Tis an honour to let the world see that in on yeare wee can help the distempers of 12 years.

The people trust us, *ergo*, no dishonour to strive to satisfie them.

Mr. Coventry. Addresse this to the king, for though men build there monuments in there owne times, yet a cronicle of any kings reigne was never written in his life time, without his owne consent.

Mr. Palmer. The best way for this house to answere a scandall is to neglect it. This house cannot declare without lord and king, nor never did it.

Mr. Maynord. Wee may declare to the people, for if wee should doe nothing till 'tis ordained, wee should sit still. Wee only petition for approbation of councellours.

[50*th sheet.*]

WEDNESDAY, 24TH NOVEMBER, 1641.

[MR. PALMER'S PROTESTATION.

It has been already stated, (p. 120.) that after the remonstrance was carried, at about midnight of the 22nd November 1641, Hampden moved that it should be printed, when a violent uproar arose, which kept the house until three o'clock in the morning in a state of confusion and discord, of which Warwick's account has been given, and which, in the words of Pym, as reported by Clarendon, "might probably have engaged the house in blood." In the course of the confusion, Hyde, the future lord Clarendon, spoke strongly

against Hampden's motion, and concluded by desiring, that, if it were carried in the affirmative, he might have liberty to protest against it. The word "protest," vehemently uttered amongst men wrought up to a pitch of excitement by the adverse success of an extreme measure, and sitting in the middle of the night, in a chamber so dimly lighted that Warwick compares it to the valley of the shadow of death, produced an almost electrical effect. It is difficult to pick out the facts of what ensued from the brief and contradictory accounts which have come down to us, but it would seem that a confused multitude instantaneously and tumultuously echoed the request for liberty to protest. Some one shouted out, "Take down the names!" and Jeffery Palmer, a lawyer and a friend of Hyde's, starting upon his feet, exclaimed, "I do protest!" adding, perhaps, that he did so for himself and all others of his mind. Hampden interposed some tranquillizing question, but it was lost in the uproarious din of members rising in all parts of the house, and echoing Palmer's words, "I do protest! All! All!" The parliamentary leaders thought it right to revive the recollection of this commotion, by bringing some one who had been actively engaged in it before the house, for punishment. Clarendon tells us, that they would have selected him, but for the protection thrown over him by sir John Hotham, Stapleton, and others of the northern men, who were grateful to him for having freed them from the thraldom of the court of York. Palmer was the victim substituted for Hyde, and expulsion from the house his predetermined punishment. But for once the popular party were foiled in their own house. Hyde and many other members defended their friend strenuously, and with effect, for, although compelled to answer by a majority of 48, and sent to the tower by a majority of 41, the house refused to sanction his expulsion by a majority of 32. (Com. Journ. ii. 324.) The following papers contain the only existing reports of the debates upon these stirring occasions. It is unnecessary for me to point attention to the notes of the speeches of Crewe and the poet Waller. The occurrence of fragments of such interest and beauty makes one doubly regret the loss of a full report of the speeches of such men.]

Mr. Hotham charged Mr. Palmer with protesting on Mounday night, in the name of himselfe and others, and that in a way to move us to mutinie, and made himselfe the head of a party.

Mr. Hyde, to the orders of the house, saied, the charge was against the orders, being he was only charged with words, and not with any ill carrage, being the words were not excepted against at that time, *ergo*, noe orderly charge. For then a man may be questioned for words spoke a moneth or a yeare agon, as well as for those spoke on Mounday. Words may bee forgd, and then how can a man answere for himselfe, and this takes away the greate priviledge of freedom of speech.

Mr. Hollis, after three houers debate, sayd, hee would charg him with a new charg, in making a pernitious motion.

Resolvd upon question. That Mr. Palmer shall be requierd to answere the charg made against him.

Mr. Palmer professeth his owne innocency, and, after the vote was passed that the declaration should passe, it was then moved it should bee printed, and then hee desierd to enter his protestation against the printing, but not the passing, and said, hee conceived that all those that were against it desierd to have there protestations entred, and, moved, being unsatisfied, to have the debate put off and there names taken by the clerke, but hee remembers not that hee used the words, "in the name of himselfe, or others."

THURSDAY 25TH NOVEMBER 1641.

An earnest offer to protest in Hyde, then a motion to take names by others, then Palmer moved in the name of himselfe and all others of his minde, but whither this was to protest, or take names, is a question. Then Palmer was questiond by Mr. Hampden, and hee stood upp, and the house cald, "All, all."

Sir Robert Cooke sentenced Palmer to goe to the tower, and turnd out of the house.

Sir John Strangwaies. Moves that sir Robert Cooke was sourne since lord stuard surrendred upp his staff, and therefore there was noe legall commission to swere him, *ergo*, hee ought not to sit in the house by the statute 21 *Jacob.*

Bagshaw. Conceives him not fit to bee sentenced, because hee denyes the fact, and the charge is not proved by any on man, and all judges goe *secundum allegata et probata.*

Crew. Will interpret things doubtfull in the best sence, and though non can plead his merits to excuse a fault, yet, if I have received many favours from a man that now doth mee injury, I shall not forget those benifits, but bee the willinger to forget the

injury, and the rather in this place, because wee have power only to punish our owne members when they offend, but not reward them when they doe well.

WALER. Let not the successe make any man a delinquent. All our punishments are but the tower and the barr, and these are greate punishments, because they are inflicted for greate offences. For a check from the councell table, or a sentence in the starr chamber, were, in queen Elizabeths time, of such repute, that non esteemed men that were soe checkd or sentenced, but of late these punishments have been inflicted for such small offences, that all men did rather valew and esteeme men as marters that sufferd in that way, then disesteem men for it.

Let noe man bee punished for temperance, least wee seeme to punish vertue.

RESOLVD UPPON QUESTION. Mr. Palmer shall be sent to the tower for this offence, during the pleasure of this house.

[51*st sheet.*]

TUESDAY, 30TH NOVEMBER 1641.

[LONDON APPRENTICES.

The hot debate on the question of Mr. Palmer's committal led to the anticipation of another night of uproar. A rumour soon spread into the city, that "the well-affected party," that is, the party of Pym and Hampden, were likely to be "over-voted" by their opponents, and in some places the contention actually existing in the house was magnified into an uproar in which swords were drawn. The London apprentices hastened to the assistance of the popular party, but finding, on their arrival at Westminster, that their services were not needed, they returned to their homes in peace. The following note relates to a complaint made to the house respecting this circumstance. Sir John Strangewayes, having mentioned the subject, was first called upon to declare the particulars of the information that had been given to him, and afterwards, to produce an original paper, of which he had spoken. (Journ. ii. 337.) We have here a note of his statement, and of the written paper. Mr. Kirton, another member, was called upon in like manner to declare the particulars of his information, and we have a note of his statement. All the persons implicated were ordered to attend the house immediately, and those to whom sir John Strangewayes had alluded were examined, but nothing further seems to have been done. Several entries in the journals allude to Mr. Kirton's charge

against Mr. Venn, who was a member of the house, and days were, from time to time, appointed for taking it into consideration, but it was never investigated. (Journ. ii. 351, 359, 436, and see Nalson's Collec. ii. 790.)]

Sir John Strangwaies. Declares a gentleman, noe parliment man, coming to see him, asked him if hee heard not of the attempt that was like to bee uppon the house uppon Wednesday last at night. Hee answerd, "Noe." Then he told him, on told him of it. Then, on Saterday in the morning, the informer first cam to him. He willed him to write it out, and put his hand to it, and then hee desierd his freind should write it out, because hee writ a better hand.

A breefe of a discourse on Wednesday.

"On sayd, hee was newly come from Westminster armed, and that 1000 more were redy there. Hee sayd, the parliment men sent for them. The reason of his going was, because the well-affected party were likely to bee over-voted by the worser, but, being they agreed well togeather, hee and his fellows cam all away in peace."

Mr. Kirton. Mr. Lavinders man came to [Farlows] house in Wood street, and said, captain Ven had sent for them presently to Westminster with his armes, for there was an uprore in the parliment house, and sourds drawne.

[The following, which is written in another part of the same paper, relates to the statement made by sir John Strangewayes.]

Cole, apprentice to Mr. Mansfeild an haberdasher, told John Milkinson.[a]

[The following seems to be a note of evidence of Milkinson and Cole.]

John Milkinson.[a] At the Spred Egle in Gratious street.

Cole. Hee gave a sourd, and bid him goe, and beeleeves the masters of the other apprentises did the like.

[a] So in the MS. but the name should be "Michaelson."

2ND DECEMBER 1641.

[THE KING'S SPEECH ON HIS RETURN FROM SCOTLAND.

The king returned from Scotland on the 25th November 1641, and on reaching London was munificently entertained by the citizens. The cordiality of that day was indeed a mere April splendour, but it misled the sovereign into imagining that he had returned to the enjoyment of all his former popularity. His measures for some time were tinged by this feeling, and even the harsh and irritating remonstrance, presented to him at Hampton Court on the 1st December, scarcely dissipated the pleasing dream. On the 2nd December he went to the house of lords to pass a new bill for the levy of tonnage and poundage, which was now only granted for two months, and after having done so made the speech of which the following is a note.]

Absent longer then hee expected, but hee kept his word in staying noe longer then necessity. But with good successe, for hee hath left it an happy nation. But his expectation is deceivd here, for heere was many destractions, but hee found the affections of his people reall by the entry into London.

Hee would doe all that hee hath donn, if it were now undonn, and more, to settle the libertie of the people.

But Ireland goes on slowly. Appoint a select committee of both houses to treate with the Scots.

(*And then*)

That his greatest strength was in the good affections of the people.

[FRIDAY, 3RD DECEMBER 1641.

REMINDING THE LORDS OF BILLS SENT UP TO THEM.

The progress towards inevitable discord was now become rapid and unquestionable. The popular leaders seemed indeed almost anxious to urge on the coming conflict. In the following note we have a clear report of Pym's speech on a motion which had for its object to destroy all pretence of legislative independence in the house of lords. The journal gives a list of the committee, which contained the leaders of the movement party, Pym, Nath. Fiennes, Stapleton, Strode, Hazlerig, Hollis, Hampden, and some others. In their instructions they were directed to urge upon the lords that the commons were the representative body of the whole kingdom, whilst their lordships were only " particular

persons," " coming to parliament in a particular capacity." To the same committee, at the same time, and apparently almost unobserved, was committed the consideration of " some course for guarding the towns of Hull and Newcastle." (Journ. ii. 330.)

The offence given by the words of Godolphin reported in sir Ralph Verney's note was ordered to be considered " on Tuesday next," but was delayed from day to day. The journal does not state that there were ever any further proceedings in reference to them.]

PIM. Moved for a comittee to review what bills wee had passed and the lords rejected, and the reasons why, and, if the lords would not joyne with us, then let us goe to the king, and make a declaration to the people, to let them see where the obstructions lye, and because the lords have a liberty to protest, and cannot be involved by the major part, let us take those lords with us, and represent the obstruction to the king.

MR. GODOLPHIN. Moved against this, for if wee went to the king with the lesser part of the lords, the greater part of the lords may goe to the king with the lesser part of us.

Uppon this, after hee had explained, hee was comanded to withdraw.

4TH DECEMBER 1641. SATERDAY.

[THE ARMY PLOT.

We learn from the journals that, on this day, serjeant Wilde reported from the committee that was appointed " to state the matter of fact " upon the examinations that concerned Percy, Jermyn, and the others. He also reported " the design fixed upon Mr. Daniel Oneale." After he had done so, Oneal was sent for, and, being brought to the bar, was asked, what he could say in the business then in agitation concerning him. He desired that he might see the examinations taken against him before he could answer any thing. It would seem that a long debate followed. Candles were brought in, and afterwards, without taking notice of Oneal's request, the house passed various declaratory resolutions against him, and referred the business back to the same committee, " to make a result upon the proof of the whole matter." (Journ. ii. 332.) The following is a brief note of serjeant Wilde's report.]

Two designes.

On, to bring the army to compell the parliment, and that is

voted treason. Percy, Jerman, Suckling, Wilmot, Ashbernham, Pollard, Oneall, Berkley.

The second, bringing up the army, is fixed only uppon Oneall.

1. Dislike between the king and the parliment.

2.

3. A petition.

His endeavour was on the[a]

TUESDAY, 7TH DECEMBER, 1641.

[BILL FOR SETTLING THE MILITIA.

This important bill, another movement in the direct course towards civil war, provided that the government of all the forces of the kingdom should be vested in two persons, one to be the lord general, the other the lord high admiral. Clarendon places the introduction of the bill before the king's journey to Scotland, says its introduction was supported by St. John, the king's solicitor, and that on that account it was read a first time, but with so universal a dislike that it was never called upon the second time. (Hist. Rebell. lib. iii.) It here appears, that it was not brought in until after the king's return from Scotland, a very important difference in time, and it is evident from the journals, that it was not allowed to sleep, but was at once rejected by a majority of 158 to 125. (Journ. ii. 334.) In Nalson, the division is printed as 158 to 105. (Collections, ii. 719.)]

Sir Arthur Hazelrigg did bring in a bill to dispose all the militia of England into two generalls for life.

This bill was thought fit by som to bee rejected, and Mr. Thomas Cooke said, it was in his judgment worse then the bill brought in by Hexam in Richard the seconds time, for which hee was accused of high treason.

For this speech he was questioned and taxed, for citing but half the president, for Hexam was afterwards cleared by parliment.

For this offence he received an admonission in his place, by the speaker.

[Mr. Coke's admonition is thus entered on the journals. "Mr. speaker told him, in his place, that he was commanded to admonish him, that he should take a care hereafter, how he did allege or apply precedents in this house." (Journ. ii. 334.) The frequent occurrence of cases of this kind at this time is perhaps sufficiently explained by a conside-

[a] Some words quite illegible.

ration of the state of parties and the temper of the house ; but Clarendon says, that after the memorable debate on the remonstrance, the popular party "contrived ways to silence those who opposed them, by traducing them abroad, and taking any advantage against them in the house, for any expressions they used in debate which might be misinterpreted, and so calling them to the bar or committing them to the tower: which did in truth strike such terror into the minds of many, that they forbore to come to the house, rather than expose themselves to many uneasinesses there." (Hist. Rebell. lib. iv.)]

[*52nd sheet.*]

THURSDAY, 9TH DECEMBER 1641.

[THE ARMY PLOT.

RESOLVD UPPON QUESTION. That Mr. Henry Wilmot, Mr. William Ashbernham, sir Hugh Pollard, and sir John Berkley shall be accused of misprision of treason.

RESOLVD UPPON QUESTION. That Mr. Wilmot, Mr. Ashbernham, and sir Hugh Pollard shall be expulsd this house, and now [that the speaker issue new writs for the election of members in their stead].

[MONDAY 13TH DECEMBER 1641.

OBSTRUCTIONS TO THE SIGNING OF PETITIONS.

On the 11th December 1641, certain aldermen and other citizens of London attended the house with a petition, complaining of obstructions put in the way of persons signing a petition to the house by sir Richard Gurney, the lord mayor, and sir Thomas Gardiner, the recorder. The persons who attended were thanked by the house for their respect and zeal, and a promise was given that the circumstances should be inquired into. On the 13th December the petition was again read, after which various persons were sent for by the serjeant-at-arms, and a committee was appointed to consider the matter. The persons sent for, after being kept in custody until the 17th, were then admitted to bail, and on the 20th December Mr. Perd reported from the committee the particulars of the obstructions offered by the lord mayor and the recorder. (Journ. ii. 339, 342, 347.) The following is a note of the words which they were charged to have spoken, apparently related by two different witnesses before the committee.]

Common councell men, they deservd to be disfranchised.
They know not in what dainger they were.
A falce ly about the removing the bishopps.

Blood uppon ther owne heades.

They were ignorant and idle persons that would put there hands to the petition.

That hee sent for some who had subscribed by the kings directions.

That hee was sorry for some that had subscribed, and gotten hands, and ran themselves into such dainger.

That those courses were of daingerous consequence, and tended to sedition, and that they would bee questioned about it.

That they deserve to be disfranchised.

That they knew not into what dainger they were runn.

That the drawing of them togeather was to make a tumult.

The [a] and said they were brave words.

And that "the representative body" was a false lye.

That the petition tended to sedition and to set men togeather by the eares, and being told the petition was intended for peace, he said, "Is this your way of peace? Noe, it is for blood and cutting of throates, and if it cam to cutting of throates, thanke yourselves, and your blood bee on your owne heades." And that this petition was the only [way] to confirme episcopacy, and that hee hated a papist, and the petition.

[53*rd sheet.*]

16TH DECEMBER 1641. THURSDAY.

[Sir John Winter was farmer of the forest of Dean. Being a Roman catholic and in the service of the queen, he was regarded by the parliament with great jealousy. The committee appointed, at an early period of the session, for ascertaining the bounds of the forests, took cognizance of his conduct in felling forest trees, and on the 1st May 1641 procured the house to prohibit him from doing so "until the cause shall receive a determination." (Journ. ii. 131.) The following paper has reference to an inquiry before a committee, as to an alleged breach of that order.]

Sir John Winters charge.

Returned by the jury that timber marked with the kings marke

[a] A blank in the MS.

was carried away by sir John Winters servants contrary to the order of parliment.

That after the 2nd May sir John Winters servants did cut divers, for ten days together, except Sunday. And 100 okes, great timber, carried away, and much more. 320 more cut out, and little timber reserved, but turned to cordwood. 20 cut after they were marked for ship timber.

Two trees carried away after the shipwrights had marked them *pro rege.*

Trees are marked for Winter, better then those that are marked *pro rege.*

Responsio.

Sir John Winter. Hee knowes of noe restraint but on dated 1st May and notefied 10th May 1641.

Hee promised not to cut shiptimber till the comittee sat againe, and charged to fell noe trees marked at the roote.

18th December.

Ordred. Sir John Winter shall answere to the breach of order of the house dated 1st May 1641.

[*52nd sheet continued.*]

20th December, monday, 1641.

PROTESTATION.

[The question as to the exercise, by the commons, of that liberty of protesting which is an ancient right in the house of lords, was raised in the celebrated debate upon printing the remonstrance, and afterwards in the case of Mr. Palmer. It was this day brought before the house for determination, when it was resolved, " that, in no case, a protestation ought to be desired by any member of this house, or admitted by this house, being desired." (Journ. ii. 350.) We have here a report of three good speeches on this subject by Hyde, Holborne, and the elder sir Harry Vane. There is something strikingly significant in Holborne's allusion to the possibility of their being involved, and losing their heads in the crowd, when taken in connection with the measures adopted by the king so soon afterwards.]

Mr. Hide. Non can protest against the vote of the house, but to aske leave to protest is noe fault, for in some cases the house ought to grant it.

The lords may protest, and why should it bee against the fundamentall priviledges of this house.

There is noe president in the case, neither is there of the printing a declaration.

It has been aleaged, wee are not bound by president. A protestation is but a recorded "Noe," or a *dissentiente* of such a person.

A noe president, in a case unpresidented, is nothing to the purpose.

Protestations are alowable in the lords house, convocations, Scotish parliments, all generall assemblies, and others.

There is noe president against this, *ergo*, wee must doe according to reason.

Holburne. In point of indemnity wee may protest; as in Standish his case 6° *Hen.* 8, the convocation was adjudged by the judges to be in a premunire, but, being on did protest against that fact, hee was cleere.

Wee must submit to a law when it is passed, but if wee may not aske leave to protest, wee shall bee involvd, and perhapps loose our heades in the crowd, when there is nothing to shew who was innocent.

A parliment may doe a thinge unlawfull, as to change our religion, &c., and then wee are bounde to aske leave to protest against it.

Old Sir Henry Vane. The liberty of protesting used in all forraign diets and councells is noe more to be urged here then the use of the common law there, where they are governed by the civill law; and till sir Edward Cookes time, *nemine contradicente* was never put into any of our votes and orders, and if wee may aske leave to protest against a motion made in the house, wee may aske leave to protest against that which, uppon debate, perhapps hee may bee convinced in.

[*54th sheet.*]

MOUNDAY, 3RD JANUARY 1641.

[THE KING'S ATTEMPT TO SEIZE THE FIVE MEMBERS.

Of this fatal incident, the most undignified and unfortunate indiscretion ever committed by a king, we have hitherto possessed three principal accounts, all written by persons who were eye-witnesses of the event. Two of them, those given by Whitelocke and Clarendon, are dry relations, in no degree remarkable for the exhibition of narrative ability; the third, that by Rushworth, who was clerk assistant in the house, and present in that character when the king entered, has long been the great authority upon which historical writers have relied, and most truly valuable it is; full of minute facts which tend to bring the scene before us with pictorial reality and truth. We are now about to present to the reader a fourth account, written by sir Ralph Verney, who was also present. It claims to be put upon a par with Rushworth's narrative, which it not only confirms, but adds to it such particulars as a person witnessing the extraordinary scene from another part of the house, and probably with somewhat different feelings, was likely to observe. Sir Ralph Verney's account has been seen by some of our historical writers, and partly printed by several of them, but never until now with the completeness which it deserves. It adds greatly to the historical value of the present volume, and would alone be a sufficient justification (if any were needed) of the printing of these interesting memoranda.]

The king sent Mr. Francis, a serjeant at armes, to Mr. speaker with a message, and hee was cald in to the house, and deliverd it at the barr, but hee was not sufferd to bring in his mace.

The message was thus, "Mr. speaker, the king comanded mee, uppon my aleageance, to repaire to you where you are now sittinge, and to demaund five gentlemen, members of this house, Mr. Hollis, sir Arthur Hazlerigg, Mr. Pim, Mr. Hampden, and Mr. William Strood, and, when they are deliverd, hee comanded mee in his name to arrest them for high treason."

Uppon this hee was comanded to withdraw, and the house resolved to send four members to the king, to let him know, they had received the message, and would take it into consideration, but, being there was noe charge deliverd in against those five gentlemen, they have not deliverd them, but have taken care to have them in a readinesse to answere any legall charge. And then the house commanded Mr. speaker to call upp these five gentlemen by name, and injoyned them to attend *de die in diem*, till the house

took farther order. The serjeant of the house was sent to tell serjeant Francis, that wee had sent to the king about these five gentlemen.

Mr. Pim and Mr. Hollis had there papers and studdies sealed upp, by warrant under the kings hand, and the house sent a serjeant at armes to arest those that did it, and breake of the seales, and had a conference with the lords, and they likewise sent to breake oppen the seales, and it was donn accordingly. Wee sent to them to joyne with us, because they had protested with us to defend the priviledges of parliment.

TUESDAY, 4TH JANUARY 1641.

The five gentlemen which were to bee accused cam into the house, and there was information that they should bee taken away by force. Uppon this, the house sent to the lord major, aldermen, and common councell to let them know how there priviledges were like to bee broken, and the citty put into dainger, and advised them to looke to there security.

Likwise some members were sent to the four inns of court, to let them know, how they heard they were tampred withall to assist the king against them, and therfore they desierd them not to come to Westminster.

Then the house adjorned till on of the clock.

As soone as the house mett againe, 'twas moved, considering there was an intention to take these five men away by force, to avoyd all tumult, let them bee commanded to absent themselves. Uppon this, the house gave them leave to absent themselves, but entred noe order for it, and then the five gentlemen went out of the house.

A little after, the kinge came, with all his guard, and all his pentioners, and two or three hundred soldiers and gentlemen. The king comanded the soldiers to stay in the hall, and sent us word hee was at the dore. The speaker was commanded to sit still, with the mace lying before him, and then the king came to the dore,

and tooke the palsgrave in with him, and comand all that cam with him, uppon there lives not to come in. Soe the dores were kept oppen, and the earle of Roxborough stood within the dore, leaninge uppon it. Then the kinge cam uppwards, towards the chaire, with his hat off, and the speaker steped out to meet him. Then the kinge steped upp to his place, and stood uppon the stepp, but sate not down in the chaire. And, after hee had looked a greate while, hee told us, hee would not breake our priviledges, but treason had noe priviledge; hee came for those five gentlemen, for hee expected obedience yeasterday, and not an answere. Then hee calld Mr. Pim, and Mr. Hollis, by name, but noe answere was made. Then hee asked the speaker if they were heere, or where they were. Uppon that the speaker fell on his knees, and desierd his excuse, for hee was a servant to the house, and had neither eyes, nor tongue, to see or say anything but what they comanded him. Then the king told him, hee thought his owne eyes were as good as his, and then said, his birds were flowen, but hee did expect the house should send them to him, and if they did not hee would seeke them himselfe, for there treason was foule, and such an on as they would all thanke him to discover. Then hee assured us they should have a faire triall, and soe went out, putting off his hat till hee came to the dore.

Uppon this the house did instantly resolve to adjorne till too-morrow at on of the clock, and in the intrim they might consider what to doe.

WEDNESDAY, 5TH JANUARY 1641.

The house orderd a comittee[a] to sit at guildhall in London, and all that would come had voyces. This was to consider and advise how to right the house in point of priviledge, broken by the kings coming yeasterday, with a force, to take members out

[a] The committee as appointed by the house consisted of sir John Colepepper, as chancellor of the exchequer, Glyn, Whitelocke, lord Falkland, sir Philip Stapleton, Fiennes, sir Ralph Hopton, sir John Hotham, sir Walter Erle, Pierrepoint, Walter Long, Grimston, and others. (Journ. ii. 369.)

of our house. They alowed the Irish comittees to sit, but would meddle with noe other businesse till this were ended. They acquainted the lords in a message with what they had donn, and then they adjorned the house till Tuesday next.

[*55th sheet.*]

7TH JANUARY 1641. FRIDAY.

AT GROSSERS HALL, LONDON.

[Guildhall being occupied, the committee adjourned to Grocers' hall situate between Guildhall and the present bank of England, the five members being at the time concealed in Coleman street, where, Whitelocke says, "they wanted nothing." The following is a record of the proceedings of this committee.]

RESOLVD UPON QUESTION. That it is sufficiently proved that the coming of the soldiers, papists, and others, with his majesty to the house of commons on Tuesday, to take away some members of the house, and, if that had been denied or opposed, then to fall uppon the house of commons in an hostile maner, was a traterous design against the king and parliment.

RESOLVD UPPON THE QUESTION. That these five gentlemen may and ought to come to attend this comittee, notwithstanding any warrant ishued out, or other matter or accusation, against them.

SATERDAY, 8TH JANUARY 1641.

AT GROSSERS HALL, LONDON.

RESOLVD UPPON QUESTION. That a printed paper in the forme of a proclamation[a] lately ishued out for the apprehending of these five gentlemen, is falce, scandelous, and illegal.

RESOLVD UPPON QUESTION. That actions of the cittizens of London, or any other person whatsoever, for the defence of the

[a] The proclamation alluded to was issued on this day, the 8th January 1641-2, and commanded all magistrates and officers to apprehend the lord Kimbolton and the five members and carry them to the tower.

parliment, and the priviledges therof, [or the preservation of the same,][a] are acording to their duty, and the late protestation, and the lawes of the kingdom, and, that if any person shall arrest or trouble them for soe doing, [he] is declared an enimy of the comon wealth.

MOUNDAY, 10TH JANUARY, 1641.

AT GROSSERS HALL, LONDON.

RESOLVED UPPON QUESTION. That the publishing of severall articles[b], purporting a forme [of] a charg of hygh treason against the lord Kimbolton and the five gentlemen, by sir William Killegrew, sir [William Fleming, and others] [c], was a [high] [c] breach of the priviledges of parliment, a greate scandall to the king and his goverment, a seditious act maliciously tending to the subvertion of the peace of the kingdom, and an injury and dishonour to the said members, there being noe legall charge or accusation against them.

THAT the priviledg of parliment, and liberties of the subject, soe broken, cannot bee fully vindecated unlesse the king will discover who advised him to seall upp the trunks, and apprehend those members, and to come in his person to the parliment, [and to send a serjeant to demand the members,][d] the publishing the said articles and printed paper, *quære*, that such persons may have exemplary punishment.

THE SEAMENS PROPOSITION.

["At this time divers mariners and seamen came to the committee, and, with a petition signed by a thousand hands, tendred their service to guard the committee by water to Westminster, which was accepted." (Rushworth, part iii. vol. i. p. 483.) After the performance of this service "divers" of them were called in and thanked by the house. (Journ. ii. 370.)]

[a] The words within brackets are doubtful, and the following word is "and" in the MS.

[b] The seven articles delivered in to the house of lords in writing by the attorney general by the king's command, on the 3rd Jan. 1641-2. See them in Rushworth, part iii. vol. i. p. 473. Nalson, ii. 811. Parl. Hist. ii. 1005.

[c] Blank in the MS.

[d] Placed within brackets in the MS.

The hamliteeres are not sufferd to come into the tower.

The flood is kept in the moate.

[The following are orders made for the regulation of the guard of mariners.]

1. All men to fit there boates with artillery.

2. To meet at the hermitage on Tuesday at 3 in the morning, to come through bridg together.

3. Cleane guns on Mounday, that there bee noe shooting uppon Tewsday, unless the king and parliment bee assaulted.

Resolvd upon question. That it is lawfull for all persons whatever to entertaine, lodg, harbour, or converse with, these five gentlemen, and that whosoever shall bee questioned for the same is, and shall bee, under the protection and priviledge of parliment.

The votes of the comon councell comittee, and resolvd heere uppon question.

1. Necessary to have a guard for the king, kingdom, and parliment.

2. This is to bee out of the citty and parts ajacent.

3. Eight companies by 8 o'clock, under captaine Skipworths[a] command.

4. Skipworth to bee serjeant major generall of the citty forces, untell the citty take further order. All officers take protestation before they march.

5. Eight peeces ordinance and there accouterments.

6. All trayned bands bee at there coulours, and they to bee under Skipworths comand.

7. Skipworth not to stirr uppon any command, or countermand, till the servise is ended, without our consents in parliment.

8. Power to offend and defend, if violence be offerd.

9. All captaines to receive order *de die in diem* to beate drum from Skipworth, and all souldiers to repaire to there coulours in armes.

[a] Skippon; his name had not yet become known.

10. All cittizens that will mount themselves on horseback to bee under Skipworth's comand, and this is an acceptable servise.

11. Amunition to ishue out of the chamber of London under Skipworths command.

12. This servise in generall, and every perticuler, is a good and acceptable servise, and legall.

13. The comon councell comittee to bee free from all commands and arrests, and not to stirr out of the citty without leave of the house of comons.

[The house resumed its sittings at Westminster on Tuesday the 11th January 1641-2. The city committee, together with lord Kimbolton and the five members, went at about one o'clock to the Three Cranes, a well known wharf in the Vintry, and there took water, accompanied by between thirty and forty long boats with guns, flags, &c. and great numbers of citizens and seamen in other boats and barges. In this way the accused members made their triumphant return to Westminster, a body of the trained bands marching at the same time by land to form a guard around the two houses. The poor distrusted king, altogether discomfited by his own folly, had, in the mean time, left London, never to return to it until his death had been resolved upon. (Rushworth, part iii. vol. i. 484.)]

[56*th sheet.*]

WEDNESDAY, 12TH JANUARY 1641.

[A GUARD SET UPON THE TOWER.]

A COMMAND to leftenant [of the] tower and master of ordnance, there deputies and under officers, that noe provision of victuall, or military amunition, bee ishued out without the kings command signified by both houses of parliment.

AND that non bee taken into the tower without the sam directions, nor noe increase of warders.

THAT a guard bee set uppon the tower, by land and water, to see this comand performed, and this to bee under the command of Skipperne.

AN INTIMATION to the common councell what care is taken about the tower.

[SECURING HULL.]

A COMMAND to sir John Hotham that Hull shall not bee delivered upp, or any number of men sufferd to come in, without the kings comand signified by both houses of parliment.

£2000 deliverd to Hotham.

[FORCES AT KINGSTON IN SURREY.

Information having been given to the house of certain warlike preparations at Kingston, Mr. Theophilus Calcott was called in and examined upon the subject. A committee, of which Hollis was the chairman, was then appointed to consider of Mr. Calcott's information, and they shortly afterwards made a report. The following is a note of the report and of a message afterwards sent to the lords. (Journ. ii. 372, 373.)]

At Kingston 200 men, horse and foote; 3 Lunsfords, Vavisor, 2 Lowers, Tom Howard. They threaten the townsmen. Lunsford and Digby veiwed the magazine of the county, and som say Digby hath a comand of 100 horse.

WHEREAS Digby and Lunsford have levied horse, and levied warr, to the terror of the kings subjects at Kingston, that the lords should send to the sheriffes of Surrey, Middlesex, and Berks, to suppresse this force, and apprehend the person of Lunsford, and take some way to secure the suberbs, and to give a speedy account to this house.

Move the lords to sumon lord Digby, and let Tom Howard bee sumoned.

[SECURING PORTSMOUTH.]

AN ORDNANCE that Goring doth not deliver upp Porchmouth, nor receive any forces into it, without the kings comand signified by both houses of parliment.

[THURSDAY, 13TH JANUARY, 1641-2.

IMPEACHMENT OF THE ATTORNEY GENERAL.

The house resolved to proceed against sir Edward Herbert for exhibiting the articles of impeachment against the five members by the king's command. The first of the following notes refers to a resolution upon the subject; the others are interrogatories for his examination.]

Wee declare the breach of priviledge.
Whither hee drew or contrived these, or advised.
Whither hee know who did.
Whither hee knowes them to bee true, or by information.
Whither hee will make them good.
From whom he received them, or by whose comand.

FRIDAY, 14TH JANUARY 1641.

[SAFETY OF THE PRINCE OF WALES.

The king, queen, and prince were now at Windsor. It does not appear what cause the parliament had for apprehension that it was intended to send the prince out of the country.]

ORDRED. That marquess Herford may bee enjoyned by both houses, according to the duty of his place,[a] to goe to the prince, to secure his person, as hee will answere the contrary, and whosoever shall assist, or goe over, or advise, or attend the prince in this journey, shall bee declared a breaker of the trust that concernes the peace and saifty of the three kingdoms.

AND that the king bee moved never to give consent to the princes going with [out the concurrence of] his parliment.

[WAYS AND MEANS FOR SETTLING THE PEACE OF THE KINGDOM.

No trace of the following resolutions appears in the journals, or in Rushworth or Nalson. On this day the house resolved itself into "a committee to take into consideration the ways and means of removing the present distempers and disorders, and settling the honour, peace, safety and happiness, both of the king and kingdom." Whitelocke was in the chair. (Journ. ii. 379.) The first passage is probably a note of the speech of the member who moved for the committee, and the important resolutions which follow were no doubt come to in the committee itself.]

A DECLARATION to bee made that the king hath had noe cause to depart, and that wee will never doe any thing against his honour, and if any man have informed the contrary, it is the effect of ill councells; and then wee may expresse our respects to the queen, and that wee have noe intent to charg her.

[a] The marquess was governor to the prince.

Resolved uppon question. To make a declaration that this house hath not been any cause of the kings absence at this time, nor will bee, nor have been wanting to performe there utmost endeavours for his honour and saifty.

And that this house is, and ever hath been, careful of the honour and saifty due to her majesties person, and that the evill councellours about the king and queen have been a cause of all our distractions and troubles.

And that the power the recusants, preests, and other malignant persons, have in the queene, and the queene hath in affaires of state, and the greate power shee hath with the king, is cheife cause of all our evills.

[impeachment of the attorney general.]

The atturney to be chargd by this house as criminous, and to make reperation.

A short day bee appointed to make the articles good.

The atturneys act is illegal.

The atturneys person to bee secured.

Resolved uppon question. That the act of Mr. atturney, in exhibiting these articles in this manner, is illegal and crimenous.

[ways and means for settling the peace of the kingdom.

The following resolutions are in continuation of those previously come to in this committee.]

Resolved uppon question. That the support of delinquents, and preferment of such as adhere to them, and the puting out of there places such men as witnesse against them, is another cause of our present evills.

Resolved uppon question. That the public exercise of the popish religeon at Whitehall, Somerset house, and other places, and the encoragement therof, hath been another cause of our evills.

Resolved uppon question. That the preferring some men, and displacing others, in time of parliment, without consent of parliment, is a cause of our evills.

Resolved uppon question. That the kings transacting of great affaires by unknowne councellours, is a cause &c.

Resolved uppon question. That the votes of the bishopps and the popish lords in the lords house, is another cause of our evills.

Resolved uppon question. That the clergies intermedlinge with temporal affaires, is another cause of our evills.

Resolved uppon question. That the violent and frequent breaches of the priviledges of parliment, is another cause of our evills.

Resolved uppon question. That the falce information and accusations received against divers members of parliment and others, and the informers not made knowne, is another cause of our evills.

tuesday, 18th january 1641.

[The house at its rising on the 17th January adjourned until the 20th, but it was ordered that the committee which formerly sat at Grocers' hall should in the mean time proceed with the business which had been before the committee of ways and means for removing the present distempers, with power to add to them any other or more heads, and to find out the causes of the present disorders. (Journ. ii. 387.) The following are resolutions come to at that committee.]

That such popish priests as have [been] condemned lately may bee executed forthwith, and that such as shall heerafter bee condemned may be executed acording to law.

That noe masse, or other popish servise, bee sung or said in the chappells of the king, queen, prince, or any other houses of any of the kings subjects, and that non of the kings subjects resort to, or bee present at, masse, or any other servise of the church of Roome.

That such members of the house of commons which the parliment have bee[a] accused of delinquency, and pending that ac-

[a] So in the MS.

cusation have been preferred to the lords house, may bee remooved.

THAT heerafter noe member of the house of comons, except in case of decente, may be called upp to the lords house as peeres without consent of the house of comons.

WEDNESDAY, 19TH JANUARY [1641-2].

THAT noe person that shall heerafter bee made a peere of this realme, shall bee admitted to have vote in the lords house, without consent of both houses of parliment.

THAT those members of the house of commons that have this parliment been cald to the lords house, except in case of decente, shall bee excluded from giveing there votes there, till it hath been consented to by both houses of parliment.

THAT such persons as now are in publique offices of state and government, since this parliment, unless they shall bee continued in by approbation of both houses of parliment[a]

[*57th sheet.*]

MOUNDAY, 24TH JANUARY 1641.

The declaration to the king from both houses of parliment

[This imperfect entry of an order of the house that the declaration should be reported on the day following, was afterwards struck out, but without erasing the date, except that the 24th seems to have been partly obliterated. The "Mounday" in the MS. looks, therefore, as if it applied to the subsequent entry, although that certainly relates to a proceeding which took place on Thursday, the 27th. (Journal, ii. 392, 400.)

THURSDAY, 27TH JANUARY 1641-2.

PROCEEDINGS AGAINST THE DUKE OF RICHMOND.

The very irregular and discreditable proceeding which is the subject of the following paper arose out of an incident which occurred in the house of lords on the 26th January 1641-2. That house having under consideration a proposal of the commons respecting the transfer of the forts and government of the militia into safe hands, some lords, after a long debate, suggested an adjournment, when the duke of Richmond hastily exclaimed,

[a] The MS. ends abruptly.

"Let us put the question whether we shall adjourn for six months!" Exception was taken against this inconsiderate speech, and ultimately the duke was obliged, by order of the house, to make an humble submission, and crave pardon for having spoken so unadvisedly. This punishment did not satisfy the peers of the popular party, who entered the protest against it which stands at the head of the following paper. The commons, having been furnished with a copy of the protest, made it the foundation of a charge which is here reported, and which was carried, in the lower house, by a majority of 223 to 123. (Journ. ii. 400.)]

Lord admiral.
Lord chamberlaine.
E. Bedford.
E. Pembroke.
E. Suffolke.
E. Lincolne.
E. Holland.
E. Leicester.
E. Warwick.
E. Bullingbrooke.
E. Stamford.
L. vis. Conway.
L. Chandois.
L. Roberts.
L. Brooke.
L. Hundsdon.
L. Paget.
L. St. John de Bletso.
L. Wharton.
L. Howard de Escrig.
L. Spencer.
L. Willowby de Parham.
L. Kimbolton.
L. Grey de Warke.

THAT, in respect the words spoken by the duke of Richmond, which were these, "Let us put the question whither wee shall adjorne for six moneths," tending much to the prejudice of the king and kingdom, I doe protest against the vote, as not a sufficient punishment for words of that daingerous consequence.

RESOLVED UPPON QUESTION. That there is sufficient ground for this house to accuse the duke of Richmond to bee on of the malignant party, and an ill councellour to his majesty.

THAT, uppon the matter and words contained in this paper, there is just cause for this house to accuse the duke of Richmond of an high offence against the common wealth.

[IMPEACHMENT OF THE FIVE MEMBERS.

The following memorandum of an examination respecting some tittle-tattle touching the adviser of the impeachment of the five members, occurs upon a different fold of the same sheet as the last entry; and should probably be referred to a following day, but to what

day I have not found. Nor have I observed any entry upon the journals which leads to the identification of the examinant. On the 15th January, 1641-2, colonel Hill and Robert Bowles, his lieutenant, were sent for as delinquents for "beating up drums and raising of men, contrary to the ordinance of parliament" (Journ. ii. 382); and on the 24th January there is notice of a petition from colonel Hill, with an order to admit him to bail (Ibid. 390): there is, also, on the 20th January, an order for searching the house of Mr. Garrett (the queen's goldsmith) at Fulham, for arms and ammunition, which was to be condncted with the assistance of Mr. Hill of Fulham (Ibid. 387); but whether either of these is the Hill allnded to I cannot tell.

The questions and answers at the conclusion seem as if connected with the impeachment of the attorney-general, which was read in the house on the 1st February, 1641-2.]

BALL to HILL. That it was as cleare as can bee who drew the articles, and woondred wee did not see it; my lord Digby did it.

(Lord Digbyes flight made him conceive him to be the authour.)

Hee asked his oppinion whither hee had donn well or not, only to know if hee could advise him in anything that might verify or justifie his proceedings.

Hee could not say whither hee had donn well or ill.

Question. Why did hee doe it?

Hee had a command to doe it.

Question. Why did you not first advise uppon it, and returne, as he useth to his Mrs.[a]

[TUESDAY, 1ST FEBRUARY 1641-2.

THE COMMONS' PETITION CONCERNING THE MILITIA, &c.]

The petition here referred to, a very decided move in the headlong march to confusion, may be seen, with the king's answer, in Rushworth, part iii. vol. i. p. 517. The passage relating to Skippon is, of course, interlocntory. In the midst of the debate he appeared at the door of the house and upon his request was called in. He made the communication here reported, and was informed, in reply, that the house thanked him for his discreet carriage in this business, and desired him to use his endeavour to pacify the multitude and send them home in quietness, and that the house was then engaged in consideration of matters of great consequence, but wonld at a future time give such directions as the occasion reqnired. (Journ. ii. 407.) The women attended again on the 4th February, and presented a petition, which was read, and several members (Pym amongst them) were

[a] So in the MS. I understand it to mean "masters," that is, clients.

sent out to pacify them and desire their prayers for the good success of the house. (Ibid. ii. 413.)

Wee petitioned for, 1. The tower; 2. The forts; 3. The malitia might bee put into such hands as the parliment might confide in; but all this was denied.

Weston. Moved to put the question, that hee that hath, or doth, or shall, advise the kinge to doe any thing without consent of parliment, is an enimy to the state.

Skippon. Directions how to carry himselfe to prevent numbers comming to both houses. A lord bid him keepe away the woemen, and at his intreaty they went home, but threatned to come tomorrow with greater numbers, and said, they would as willingly die heere as at home.

Resolvd uppon question. That [whosoever] advised his majesty to give this answere to the petition of the commons concerning the forts and malitia, is on of the malignant party, and an enimie to the publique peace of the king and kingdom.

[58*th sheet.*]

WEDNESDAY, 2ND FEBRUARY, 1641.

[EXPULSION OF SIR EDWARD DEERING.

Sir Edward Deering, a man who in many respects resembled lord Digby, was now doomed to fall into disgrace with the party which had used his services and talents upon several memorable occasions. A speech made by him on the 21st June, in opposition to the presbyterian scheme of church government, first brought him into discredit; and, untaught by the example and fate of lord Digby, he was unwise enough to publish, not only that speech, but a collection of his "speeches upon matters of religion," with a postscript containing a defence of himself against the criticisms of his recent friends. For this offence he was expelled the house, and sent to the tower by a majority of 85 to 61, and great endeavours were made to suppress the book. The stocks of the stationers and the houses of other persons were searched for copies which might be burnt. (Journ. ii. 411, 414.) Sir Edward was discharged from imprisonment by the house on the 11th February 1641-2 (Journ. ii. 426), but soon afterwards got into further trouble. If Nalson's account of the remainder of his life is to be depended upon, the unfortunate gentleman

was ultimately as harshly treated by the king as by the parliamentary leaders (Nalson's collec. ii. 249)].

Hee prints his arguments, but not the answeres to them.

1. Discovering the secrets of the house.
2. Disgraceing the acts of the house.
3. Naming members of the house to there disgrace.

RESOLVD UPPON QUESTION. That this booke of sir Edward Deerings is against the honour and priviledg of this house, and scandelous to the house, and shall bee burnt by the comon hangman, in Westminster, Cheapside, and Smithfeild.

RESOLVD UPPON QUESTION. That sir Edward Deering shall bee disabled to sit as a member of this house during this parliment.

A warrant for a writ for the county of Kent to chuse a new knight.

RESOLVED UPPON QUESTION. That sir Edward Deering shall bee sent to the tower during the pleasure of this house.

Hee was brought to the barr on his knee, and received his judgment from the speaker.

[*59th sheet.*

FEBRUARY 1641–2.

SIR JOHN BYRON, LIEUTENANT OF THE TOWER.

The following note, which is without date, occurs in a paper, one part of which is dated on the 14th February, and other parts can be referred with certainty to other days in that month. It seems to contain the substance of evidence given against sir John Byron, the lieutenant of the tower, who resigned his office in consequence of a dispute with the commons and the citizens, and was succeeded by sir John Coniers, a nominee of the commons, on the 11th February. (Journ. ii. 426.)]

Leiftenant of the tower saies, hee hath taken an oath to maintaine the priviledges of the tower, which extend over all tower hill, and over all the water that is against the tower, and therfore hee will suffer noe guards there without the kings warrant.

Also, hee knew noe power the parliment had in the tower, and hee would obey noe comand but the kings.

[11TH FEBRUARY 1641–2.

THE MILITIA.

The following list contains the names of the persons, who on the 10th and 11th February, were nominated by the commons as fit to be entrusted with the command of the militia of their respective counties, and were agreed upon to be recommended to the king for that purpose.]

Berks,	Holland.
Bedford,	Bullingbrooke.
Bucks,	Paget.
Cambridg,	North.
Cheshire,	Strainge.
Cornwell,	Roberts.
Cumberland,	Grey of Werk.
Darby,	Rutland.
Devonsheire,	Bedford.
Dorset,	Salisbury.
Isle of Purbeck,	Sir John Banks.
Durham,	Sir Henry Vaine, senior.
Essex,	Warwick.
Glocester,	Shandois.
Hampshire and Isle of Wight,	Pembroke.
Hartford,	Salisbery.
Hereford,	Dacres.
Huntington,	Mandivill.
Kent,	Leicester.
Lancashere,	Wharton.
Leicester,	Stamford.
Lincolne;	
Kesteven, Lincolne, and Holland,	Lincolne.
Linsey,	Willoby of Parum.
Middlesex,	Holland.
Northampton,	Spencer.
Nottingham,	Clare.

Northumberland, Nucastle, and Berwick,	Northumberland.
Norfolke,	Warwick.
Oxford,	Say *et* Seale.
Rutland,	Exeter.
Shropsheire,	Littleton.
Somersetsheire,	Mar. Hartford.
and Bristoll,	Mr. Hollis.
Stafford and Litchfeild,	Essex.
Suffolke,	Suffolke.
Surrey,	Nottingham.
Sussex,	Northumberland.
Warwick,	Brooke.
Westmerland,	Cumberland.
Wilts,	Pembroke.
Worcester,	Edward Howard, Escreck.
Yorke, and Kingston-uppon-Hull, and the citty Yorke,	Essex.
London,	6 aldermen or 3 of them, 12 common councell or 6 of them, and serjeant major Skippon.
Munmouth,	Phillip Herbert.
Anglisey,	Northumberland.
Breaknock,	Phillip Herbert.
Cardigan,	Kerberie.
Carmarthen,	Kerbery.
Carnarvan,	Pembroke.
Denbeigh,	Feildinge.
Flint,	Feildinge.
Glamorgan,	Phillip Herbert.
Moungomery,	Essex.
Marioneck,	Pembooke.
Pembroke,	Northumberland.
Radner,	Littleton.

14TH FEBRUARY 1641. MOUNDAY.

[PROCEEDINGS AGAINST LORD DIGBY.

There now happened another of those unhappy incidents which from time to time destroyed all confidence between the parliament and the king, and rendered the former ever watchful and suspicious, in the expectation of the discovery of some fresh plot or conspiracy against them. A packet of letters, addressed to Mr. secretary Nicholas, was brought to the house of commons, and, upon information that it came from lord Digby, who had escaped into Holland, was opened in the presence of a joint committee of both houses. Besides letters upon private affairs, the packet contained, as will be seen in the following note, a letter to sir Lewis Dives and another addressed to the queen, both calculated to arouse infinite jealousies and suspicions. After consideration, and in opposition to the opinions of the lords, the latter letter was opened as well as the others, and a committee, consisting of Whitelocke, Glyn, Pym, Hampden, and others, was directed to consider the letters and other acts of lord Digby, and to report what was fit to be done thereon. (Journ. ii. 431, 432, 433.)]

Letters opned directed to secritary Nicholas.

5 letters inclosed in a packet.

1. To Nicholas, from lord Digby.
2. To sir Lewis Dives, from lord Digby.
3. To collonel Betwan, from Mr. Beare.
4. To Mr. Sherley, from Mr. Beare.
5. To the queene.

[15TH FEBRUARY 1641-2.

REPORT FROM THE COMMITTEE FOR REMOVING EVIL COUNCILLORS.]

That the privy council and great officers of state bee removed, except such officers as have inheritance.

An answere by or before Saterday last, if hee could.[a]

[16TH FEBRUARY 1641-2.

NAVAL AFFAIRS.]

15 kings shipps
23 marchants shipps } will cost £158,900.

[a] This passage is an evident allusion to the king's answer to the petition of the house respecting the forts and the militia. His majesty promised, on the 2nd February, to return an answer "by, or before, Saturday," if he could. (Journ. ii. 412.)

Wherof in present £85,000
By our lady day £78,300 will bee ready.
The vintners bill must yeeld money.

[MISCONDUCT OF A MEMBER.

I have not found to whom the following entries relate, nor when the subject of them was mooted. The initials may apply to Thomas Trevor, member for Monmouth, Thomas Tomkins, member for Weobly, or Thomas Toll, member for Lynn Regis.]

That the said T. T. [a] and contrary to the custom of this house, doth seate and place himselfe neare the speakers chaire, where non but privy councillours and men of distinction are wont to sit, to the great scandall of the house.

That the said T. T. in a loud and violent manner, and contrary to the custom and usuage of parliment, in the speakers [ear [b]], at the putting of a question about the militia, on the 3rd day of January 1641, standing neare the speakers chaire, cried, "Baw!" to the great terror and affrightment of the speaker, and of the members of the house of comons, and contrary to his duty and the trust reposed in him by his country.

[19TH FEBRUARY 1641-2.

PROCEEDINGS AGAINST LORD DIGBY.

On this day lord Digby's committee, by sir John Evelyn its chairman, made a report of which the following is a note. It will be seen that they recommended a bill of attainder, but the house resolved to impeach him of high treason. (Journ. 442. 443.)]

An observation.

Open, falce, scandelous, traducing members of this house, to excuse Straford.

Hee moved in the lords house that this was no free parliment.

Hee incoraged the cavaleeres.

Hee fled, being sumoned by both houses.

[a] The word "presumptuously" was first written, but was afterwards erased and another word put in its place, which is now illegible.

[b] The word is illegible in the original.

RESOLVED. That hee endeavourd to perswad the king to leavy forces against his subjects of this kingdom.

That hee breeds a difference between the king and the people, and advises him that hee cannot live saifly amongst them.

That hee was an adviser of the articles against the five members, and of the kings cominge to the house of commons.

That these offences are within the statute of 25 Edw. 3, and therefore thinke fit to have a bill of atainder.

[*60th sheet.*

MONDAY, 28TH FEBRUARY 1641–2.

THE GOVERNMENT OF THE MILITIA.

The important question of the transfer of the government of the military force of the kingdom from the sovereign to persons recommended by the parliament, was first brought directly before the king by a petition of both houses presented on Wednesday the 2nd February 1641-2. The king gave expectation of an answer on the following Saturday, and on Monday the 7th, an answer, dated "at our court at Windsor" on the day preceding, was sent to the lord keeper. It stated, that when the king should know the extent of the power proposed to be given to the persons to be recommended by parliament, and the time during which their authority was to continue, then he would declare that he would "be content to put in all the places, both in the forts and militia in the several counties," such persons as should be recommended by both houses, so that their names were declared before hand, and unless he should have just and unquestionable exception against them. (Journ. ii. 416.) After some little delay occasioned by a dispute with the lords, in which the latter yielded, the two houses nominated the persons to be recommended to the king (see p. 153), and declared their powers, and the ordinance thus settled was presented to the king. His answer appears on the journals on the 19th February, and is to the effect, that he was then accompanying the queen and princess Mary to the coast on their embarkation for Holland, and, it being "a matter of the highest importance, not only for the kingdom in general, but also for his majesty's regal authority," he declined to promise an answer until his return. (Journ. ii. 442.) On the 21st February the two houses agreed in referring the king to his former promise, and in soliciting a speedy and definite answer (Ibid. ii. 446.), which the lords thought of such great moment, that they directed "the lord of their house" that was to carry this message to the king, to ride post, and desired the commons to give orders to the members of their house to do the like. (Ibid. 447.) The king replied, that he should return to Greenwich on the 26th February, and would

then send them an answer without further delay. (Ibid. 454.) On Monday the 28th it accordingly arrived, and was in effect an entire refusal. He professed his willingness to appoint the persons recommended to be lord lieutenants, bnt contended that the power solicited was an entire alteration of the government, which not only divested him of all his rightful power, but conferred upon the persons recommended, and that for an indefinite time, a dominion greater than by law was in the crown itself. (Ibid. 459.) The result appears in the following note.]

Preamble, power, persons (as to the corporations), time; denied.

RESOLVED UPPON QUESTION. 1. That this answere is a deniall to the desires of both houses of parliment concerning the militia.

2. That those that advised the king to give this answere are enemies to the state, and mischeivous projectors against the saifty of the king and peace of the kingdom.

3. That the deniall is of that daingerous consequence, that, if the king shall persist in it, it will hazard the peace and saifty of all his kingdoms, unless some speedy remidie bee applied by the wisedome and authority of both houses of parliment.

4. That such parts of this kingdome as have put themselves into a posture of defence against the comon daingers, have donne nothing but what is justifiable, and is approved off by this house.

5. That if the king remove unto any place remote from his parliment, it will be a greate hazard to the kingdom, and a greate prejudice to the proceedings of parliament.

6. That the king bee desired that the prince may come to St. James's, or som other place neare about London, and there to continew.

7. That the lords should bee moved to joyne with this house to petition his majestie to reside near his parliment, that both houses may have conveniency to come unto him.

8. That the lords bee moved to joyne with us in some fitting course of examination who were the persons that gave the king this advise, that they may bee removed from the king, and brought to condigne punishment.

9. That noe charter can bee granted by the king to create a

power in any corporation over the militia of that place, without consent of parliment.

10. That the lords bee moved to joyne with us in these votes.

11. That the lords bee moved to joyne with us, that a comittee of both houses shall meete to day, to consider what is fit to bee donn.

[WEDNESDAY, 2ND MARCH 1641–2.

DEFENCE OF THE KINGDOM.

An answer was agreed upon by both houses to the king's last message respecting the militia on the 1st March 1641-2, and was presented to him at Theobalds on the same day. It told him, that unless he would assure them that he would speedily give his consent to what they desired, they should be inforced to dispose of the militia, as they had proposed, by their own authority. The king indignantly refused to alter his determination "in any point." (Journ. ii. 463. 464.) The following resolutions were come to upon the report of the king's answer.]

RESOLVED UPPON QUESTION. That the kingdom bee forthwith put into a posture of defence by authority of both houses, in such a way as is already agreed by both houses of parliment.

A message to the lords to desire them to joyne with us in this.

A comittee to draw a declaration to set down the causes of the feares and jelosies conceived by this house, and to cleare this house of jelosies conceived against them.

4TH MARCH 1641. FRIDAY.

[DECLARATION OF PARLIAMENT.

A joint committee of both houses (that of the commons consisting of Pym, Hampden, Hollis, the younger Vane, and others,) prepared a declaration in accordance with the last resolution, and on the 4th March, Pym reported it to the house. The following note contains the substance of his report and the heads of the declaration.]

MR. PYM.

The designe to alter religion.

The war with Scotland.

The popes nuncio, the queens agent.

The rebellion in Ireland, and there coming hither. "The queens pious intention."

The queens army. Goods and aray all marked with the queens marke.

Compelling the parliment by Jermyn, who was passed by the kings warrant. Leggs C. R.

The faction in the citty.

The articles against 6 members of parliment. The coming hither in person.

Listing souldiers, feasting and caressing them.

Quære. The inns of court.

The guard about your person.

Lord Digbyes letter. Transported by your warrant. Queens letter.

Advertisments from abroad of altring the religion and destroying the parliment. Spaine and France to send 4,000 men a peece to secure you.

Whitehall, breach of priviledg.

The tax is generall.

You neither punish nor produce the authour.

Kensington. Articles against the queen. Atturney.

Gratious messages when the army was in band, and also before your coming to the house.

Conclution, to come to Whitehall with the prince.

[IMPEACHMENT OF THE BISHOPS.]

The bishopps of Durham, and Coventry and Litchfield, were heard at the barr, concerning the greate misdemeanour about there protestation.

[COMMITTAL OF SIR RALPH HOPTON.]

Sir Raphe Hopton was committed to the tower, for charging the committee that drew the declaration of taxing the king of being an apostate.

[The passage in the declaration to which sir Ralph Hopton alluded, was one in which it was stated, that the parliament had advertisements from abroad which shewed that people on the continent expected that the king had some great design in hand for altering religion. Clarendon says, that sir Ralph told them, that they slandered the king of apostacy "upon a less evidence than would serve to hang a fellow for stealing a horse." (Hist. Rebell. lib. iv.) Upon petitioning the house sir Ralph was liberated on the 15th March. (Journ. ii. 478, and see *post*, p. 163.)]

SATERDAY, 5 MARCH, 1641.

GOVERNMENT OF THE MILITIA.

RESOLVED UPPON QUESTION. That all comissions of leiftenancy granted under the greate seall are illegall.

That all those comissions bee forthwith brought in to bee cancelled.

That whosoever shall execute any power over the militia of this kingdom, or Wales, by colour of any comission of leiftenancy, shall be accounted a disturber of the peace of the kingdome.

That the lords bee moved to joyne with us in these votes.

[61*st sheet.*

TUESDAY, 8TH MARCH, 1645.

IMPEACHMENT OF THE ATTORNEY GENERAL.

The following note relates to the proceedings on the first day of the trial of the attorney general. Mr. serjeant Wilde opened the case against him; after which, the attorney requested that his counsel, who had drawn his answer, might be heard on his behalf. This was objected to on the part of the commons, on the ground that the accusation of the five members had been voted a breach of privilege, which no counsel ought to intermeddle with. The day was consumed in arguing the point.

MR. SERJEANT WILDE.] Nurse child. Possession of stolen goods.

Hee hath not sued out the kings processe, as he was bound by oath, and according to the greate charter.

The quallity of this person.

The quallity of the persons accused.

The offence [aggravated by his having been][a] once a member of that house.

Sir Edward Herbert. The councell advised the answere, and therefore hee relies on them to make it good.

Hee hopes he shall not answere if it bee already judged.

How can any dignity take away any subjects just defence, councell being alowed in matter of law and fact?[b]

MOUNDAY, 14TH MARCH, 1641.

[GOVERNMENT OF THE MILITIA.

A committee of 31 of the leading members was appointed to prepare the following declaration.]

A declaration why wee goe on with this ordnance of parliment; that it is legall and necessary.

[VALIDITY OF PARLIAMENTARY ORDNANCES.

After the following speech there is written in the MS., apparently inserted afterwards by sir Ralph Verney, "Honest Hall." Whether that is the name of the speaker, or not, I cannot determine. No member of the name of Hall appears in the printed lists of the members, but they are far from being accurate.]

Where the king is in nonag, prison, or absent, the parliment hath a legislative power, *ergo*, where the king is drawne away by ill councell.

In cases of impossibility to have the royall assent, when wee acknowledg it, and desire it, wee may supply it by authority of parliment.

A declaration against all advisers of the kings absence to bee trators, and coeopperators with the traterous designe, and if any raise forces to hinder this work now in hand, declare them trators, and proceede with them accordingly. Honest Hall.

[a] Several words quite illegible.

[b] Under this, but apparently not connected with it, is written the following memorandum: "*Custos rotulorum* Anglcey, sir Hugh Owen, bart.; clerkship of the peace at lord keepers disposing."

Whither it be of absolute necessity to have the royall assent to all lawes made for the preservation of the subject, and whether it bee arbitrary in the king, whither hee will give his assent to such lawes or not.

TUESDAY, 15TH MARCH, 1641.

[BREACH OF PRIVILEGE. SHAWBRIDGE'S CASE.

The culprit in this case is termed "Shawbery" in the printed journal, ii. 478. Besides the witness who proved the words quoted, who was the mistress of the Spread Eagle in Gracechurch street, another witness stated that Shawbridge said, "he could find in his heart to cut king Pym to pieces." Upon Pym's earnest request he was discharged on the following 19th May. (Journ. ii. 519.)]

THOMAS SHAWBRIDG was brought to the barr for caling Mr. Pim, "King Pim," and "Rascall." This was proved uppon oath by two witnesses before sir George Whitmore, and the witnesses did averr it before a comittee of this house.

For this offence he was fined one hundred pounds to the king, and comitted to the gatehouse till hee payed the fine, and doctor Eden was ordred to write to the university of Cambridg to deny his grace of doctor of physick.

And this was conceived within the jurisdiction of this house, because a commoner spake the words against a member of this house, which was a breach of priviledg, and there were divers presidents in the case.

[SIR RALPH HOPTON.]

Sir Raphe Hopton was released out of the tower.

[GOVERNMENT OF THE MILITIA.

The following are the heads of a report from the committee appointed on the 14th March to prepare a declaration to accompany the ordinance respecting the militia.

MR. PYM.] 1. The kingdom hath been, and still is, in [so]

eminent dainger, from forraine and domestick enimies, that 'tis necessary to put the subjects into a posture of defence, for the preservation of the king and kingdom.

2. The lords and commons, finding the dainger, have moved the king divers times to joyne with them to put the kingdom in such a posture, but hee refused.

3. In this case of extreame dainger, the king having refused, the ordnance ought to bee obeyed, by the fundamentall lawes of this kingdom.

WEDNESDAY, 16TH MARCH, 1641.

[MESSAGE FROM THE KING.

The lord keeper having on Tuesday evening at about nine o'clock received a letter from the king containing a message for the lords, communicated it to their lordships at their sitting on the following morning. It was afterwards read to a committee of the commons, took of it. The following note contains, 1st. A report of the conference made by Mr. and lord Roberts, by desire of the lords, informed the committee what view their lordships Hollis ; and, 2nd. Notes of a speech in reference to the contents of the message. The speech is not assigned to any person, and it is worthy of remark that the memoranda of speeches in these latter sheets of sir Ralph Verney's notes scarcely ever contain the names of the speakers. Whether this omission arose from any increase in the difficulty of taking notes, proceeding from greater jealousy within the house, or from a stronger feeling of the hazard of the times, and the possible use which might be made of memoranda of violent speeches, with some recollection of the purpose to which sir Henry Vane's minute of lord Strafford's advice was applied, I cannot determine.]

Lord keeper received a message, in a letter signed and sealed, from the king, last night, dated 15th March.

"The king removing to Yorke, where hee intends to stay. Desires us to hast succours to Ireland; hee hath not been slack in that business. Hee hath been ready to retracte any of his breaches of parliment. Hee requires obedience to lawes established, and noe obedience to any ordnance where hee is not a party."

Lord Roberts made observations that the lords had made.

That the lords did insist uppon there former resolutions.

Matter. Noe hurt to Ireland by the kings absence. The lords thought it might destroy Ireland.

Priviledg of parliment and lawes of the land. When the parliment had delivered there judgment in point of law; and a comand not to obay.

The time and place. Huntington, and arived at 9 last night. They compared it with there votes last night, and thought it came by a spirit of provicye, for sure it was made at a nearer place, therfore desired a committee to examine the businesse.

Priviledg is rightly nothing but *jus personarum,* but whosoever may declare a law may make a law, as the church of Roome may declare the sence of scripture.

Any judg may declare a law. Priviledg is rightly a *jus potestatis,* and if this bee a right of parliment to declare a law, 'tis a breach of priviledg to command it shall not bee obayed.

Noe court but a parliment can declare a law, but in a case depending before them, because there commission is only to act as concerning such things as are brought before them.

'Tis not to bee supposed the parliment will declare that to bee law which is not law.

There is a *privilegium curiæ,* as well[a] as *personæ,* and if it bee a right in a parliment to declare a law, and that the king cannot declare a law, being hee hath committed his power to his judges, 'tis a breach of priviledg to command it shall not bee obayd, considering it is the highest judicature in this kingdome.

That those that councell or advise the king to this jorney to Yorke, and this message, are enimies to the state, and may bee justly suspected to bee complotters with the rebells in Ireland.[b]

A committee to examine out who they were.

[a] *was* in MS.

[b] On the following day the words in this resolution after "state" were agreed to be struck out. (Journ. ii. 483.)

[*62nd sheet.*]

SATERDAY, 19TH MARCH, 1641.

[PREPARATIONS AT ELSINORE.

On Friday, the 18th March, the parliament received information, which, whether credited or not, was made use of. Mr. Edwards, deputy-governor to the company of the merchant adventurers in London, brought to the house a letter addressed to sir John Rowe, the governor of the company, by Mr. Cranmer their deputy resident at Rotterdam, and which letter inclosed a copy of an information of one James Henley taken at Rotterdam, to the effect, that there were "land forces and ships" in readiness at Elsinore, which some person unnamed and unknown told Henley were bound for Hull, and, as Henley said, offered him employment on board of one of the ships. Mr. Richard Gaye, lately arrived from Rotterdam, communicated to the house that Henley told him the same tale, and that he added, that "the party" that informed him "was a servant of the lord Digbye." The informers received the thanks of the house for their intelligence, and a committee consisting of Pym, Hollis, the younger Vane, and others, was appointed to prepare heads for an immediate conference with the lords, and for "a message to be sent post to his majesty." The committee probably found some difficulty in settling the terms of the message, for the lords, after waiting for them "a long time," adjourned until the next morning, when Pym made a report to the house, of which the following is a note. (Journ. ii. 484, 485, 486.)]

Heades of a conference.

1. A narrative of the information. Rowes letter and Gay.
2. The concurrant proofes, four.
    1. Lord Nuecastle to Hull.
    2. Lord Digby, letter.
    3. The dispatches from the queen to Hull.
    4. The kings absence contrary to the advise of parliment.
3. The judgment of the house; refusing to secure the kingdom by putting it into a posture of defence.
4. Because it came from Holland. Pennington but nuly returned. Captain Wake is sent for to bee examined about this.
5. The information to bee sent to the king, with a message.
    1. To containe an answere that the late messag seemed to reflect on the honour of both houses.
    2. To intimate what information received out of Holland.
    3. To reinforce the kings returne.

6. A comand to Hull to admitt noe force without consent of parliment.
7. Admirall to enquire why on shipp is stayed at Hull, and to examine all shipps passing from Sound towards Hull, and send a vessell to Hull for intelligence.
8. The trained band to suppress all forces not raised by parliment.

3 crownes in Charles street.

A Danish lord lay in his house. Hee discoursd much of the coast of England and Scotland. 4 moneths since hee went away. A French baker turned away informes of 120 shipps prepard in Denmarke for this kingdom.

TUESDAY, 22ND MARCH, 1641.

[IMPEACHMENT OF SIR THOMAS GARDINER, RECORDER OF LONDON.

Sir Thomas Gardiner was the person intended by the court to be speaker of the long parliament, but, being very unpopular in the city, he was unable to procure his election. The citizens had, according to Clarendon, very rarely rejected their recorder, but in November 1640 four others were chosen, without hardly mentioning his name, and in some other places his return was prevented by ordinary election tricks. (Hist. Rebell. lib. iii.) His subsequent conduct did not tend to increase his popularity. We have seen (page 133) that on the 13th December 1641 a complaint was exhibited against him in parliament; on the 9th of March 1641-2 he was committed to the tower by the house of lords, for his conduct as one of the counsel of the attorney general on his impeachment; and, finally, the measure of his offences was completed by his opposition to the parliamentary proceedings respecting the militia, which he not only thwarted in the common council, but against which he procured several of the citizens to sign petitions. One of these, addressed to the commons but never presented, is the "seditious petition" alluded to in the following note of Mr. Walter Long's report from a committee to whom that petition was referred. (Journ. ii. 484, 492.) Sir Thomas Gardiner succeeded St. John as solicitor-general.]

A seditious petition.

The recorder a cheife actor in it.

Articles brought in against him.

The contriving was malignant in him.

Hee endeavord to hinder the caling this parliment, and now to distroy it.

An abetter of ship money.

1*st article.* Hee pressed payment of ship money, and beeing told it was against law, hee said, "Wee shall find a law for it ere long."

Richard Waine *teste,* and Thomas Brightwell; Ed. Cooke; Will. Kendall.

2. An incendiary against the Scots.

Hee said, the common councell might make a law to bind the citticens.

Cooke; Waring; Ven.

3. 3000 men against the Scotts. Hee said, every man was bound by his alegence to serve the king, and noe charter could excuse them; they had already felt the waite of his little finger in Londonderry, and it was a daingerous thing to anger the king.

Cooke; Waring; Ven; alderman Tower.

"'Twas noe time now to dispute charters and statute lawes."

Ven. "If the king set upp his standerd, cittezens as well as others are bound to serve him."

4. Notwithstanding the oppinion of the committee, hee was of oppinion contrary, and pressed the citty to give £30,000 to excuse themselves.

Power; Ran; Manwaring; Wil. Kendall.

5. Reveling the citty councell.

Kendall; Ven; Manwaring.

6. March 1639, a letter from [the] king to levie 200 men for the north. Hee pressed it, and yet, being refused, the lord mayor Garrow did it, out of the common stock.

Sam. Warner; W. Kendall.

7. May 1640, after the last parliment £100,000 loane pressed at 2 or 3 common councell, the said lone to engage the citty in that warr.

Cooke; Manwaring; Ven.

8. When the citty petitioned for a parliment in the north, hee persuaded the contrary, and [said] 'twas daingerous, and needlesse,

and would hinder the kings affaires, and this hee spake as a true English man, and this tooke many off.

Venn; Kendall; Mi[c]hill; Hering.

9. When the major questioned some for petitioning, hee replied, "Is this your way to peace? This tends to blood, and cuting of throates;" and, "Your blood bee uppon your owne heades."

Ven; Sam. [Warner]; Will. Bromhill; Hugh Ratclife; George Clerke.

10. Although hee declared the committee were fittest to have the militia, and confermed by 2 common councells, and yet his hand to it.

Will. Taylor; Will. Kendall; Sam. Langarne.

Hee afterwards perused 2 petitions to the king and the parliment, and approved them when hee had altred them, in which it was aleaged, all freemen were bound by there oathes to defend the priviledges of the [a]

Thomas Wisman; Michell; Thomas Nevill; Henry Davison.

THURSDAY, 24TH MARCH, 1641.

MR. GEORGE BENION.

[The following note contains the substance of a report, made by Mr. serjeant Wilde, from a committee appointed to investigate a charge against another unpopular citizen, who had been engaged, as well as sir Thomas Gardiner, in getting up petitions against the ordinance respecting the militia. The house resolved that the matter of fact disclosed in the report was fit matter for a charge against the accused, and directed the same committee to prepare the charge. (Journ. ii. 495.)]

Three petitions; on to the lords, another to the commons, a third to the king, and the first were presented, and not the two other.

The lords said they came to late.

The commons was not presented, but Longe took it.

[a] The MS. breaks off.

Binion the contriver and adviser and framer with Mr. Gardner.

Binion refused to subscribe the petition which the major had, because hee had another more agreeable to the sence of the citty, and Binion left it at Morse his shoppe, and Binion perswaded many to signe it, though hee knew of the ordnance of parliment. Hee said, hee had recorders and other councells advises in it, and being told it would come to late in the lords, hee answered, hee knew it would not.

An affront to the priviledges of the lords about the bill of protections. Hee saw noe reason the lords should have any priviledg.

Hee swoore, by God, hee would have it passe, and if not, there should bee noe money lent out of the chamber of London, hee would not leave a groate in it. Hee would make the lords as liable to arrests as any other lords in other nations.

Hee further said, the multitude must come upp, as they did for Straford.

Hee got a lords man arrested. 7 weeks hee lay in Nugate. Hee procurd an execution out of the counter to lay him upp,[a] after hee had been freed by the lords, soe the man procures a new discharge, and then Bynion told the sherifs at Paules, hee would expect his money from them.

The serjeant said, this was done on purpose to make a bussle in the citty.

[LETTERS FROM THE KING.

The declaration here alluded to was in answer to that from both houses presented to the king on the 9th March. It is printed in Rushworth, part iii. vol. i. p. 535, and in Clarendon's Hist. Rebell. lib. v. The declaration of the parliament explains the causes of their fears and jealousies; the answer argues that they are groundless, defends the king from the imputation of insincerity, and sets forth the magnitude of his concessions. The papers were communicated to the commons at a conference between a committee of each house, and the following is a note of Hollis's report of what took place.]

The kings letter to the keeper, dated 21 March, to communicate the declaration.

[a] *upp him*, in MS.

The declaration was read.

The kings letter to him concerning the bill of £400,000, and the bill to cleare lord Kimbolton and 5 members of parliment.

Part of a letter writ by secritary Nicholas to my lord admirall concerning my lord Warwicks commanding in chief in the navy under my lord admirall.

Lord keeper declared from the lords, that 'twas fit to make this a sute of both houses to the kinge, with our reasons for it.

[63*rd sheet.*]

FRIDAY, 1ST APRILL, 1642.

[CENSURE OF MR. HENRY KILLEGREW.

"Harry Killegrew of Cornwall, a gallant gentleman and generally known," as lord Clarendon describes him, was the same person who, shortly afterwards, when the members were invited to subscribe towards the formation of the earl of Essex's army, is reported to have said, that he would provide a good horse, and a good sword, and a good buff coat, and then would find a good cause. (Life of Clarendon, part ii.) On the present occasion the house was in debate on the king's declaration when Killegrew spoke the words which gave offence. A motion was made for his expulsion, but was negatived by 131 to 97. When called to the bar, the speaker told him, that the house conceived "his offence to be of a very high nature, considering the circumstances of time, and the opinions of some people abroad, and therefore," he continued, "they have commanded me to give you a sharp reprehension, and it is their mercy your censure is no severer." (Journ. ii. 507.)]

MR. HENRY KILLEGREW was brought to the barr and reproved, for saying, wee stood heere uppon slippery places, and before wee imposed the militia uppon the people, or layd a tax on them, a knight and a burgesse should doe well to goe into the country to see if they would consent and obay, least wee feele the weight of the major part of the people.

[THE MILITIA.]

RESOLVED UPPON QUESTION. The lords shall bee moved to put the ordnance concerning the militia in execution speedily.[a]

[a] Some words upon this subject are written on this sheet of the MS., which, although struck out, perhaps because they were followed by something considered to be too plain-spoken, are still readable, and are worthy of preservation. They are as follows, "Resolve to goe on with the militia, and declare the reasons—"

SATERDAY, 2ND APRILL, 1642.

[THE KING'S DECLARATION.

The following resolution was first put with the word "scandal," instead of "causeless imputation," but that was rejected by 116 to 53. (Journ. ii. 508.)]

RESOLVD UPPON QUESTION. That the matters contained in the first clause of his majesties message layes a causlesse imputation uppon the parliment, and is contrary to the priviledge therof.

A comittee to consider of the kings declaration, and the kings message from Huntington, and the votes made there uppon, and the perticuler clause.

WEDNESDAY, 13TH APRILL, 1642.

[THE KING'S OFFER TO GO TO IRELAND IN PERSON.

The king's offer was made in a letter dated at York on the 8th April, 1642, and delivered to the two houses on the 11th. See it in Rushworth, part iii. vol. i. p. 560.]

RESOLVD UPPON QUESTION. That this house holds it daingerous and unsaife, and this house cannot give consent to the kings going into Ireland.

[DISMISSAL OF THE EARLS OF ESSEX AND HOLLAND.

A particular account of this foolish and impolitic business will be found in Clarendon (Hist. Rebell. lib. v.) His errors, which, as usual, are numerous, may be rectified by the documents in the commons journal, ii. 525, 526. The dismissal was one of the many weak things into which Charles was misled by the queen.]

RESOLVD UPPON QUESTION. That the lord chamberlaine and the lord of Holland['s] attendance in the lords house, acording to the order of that house, was noe disobedience to the kings command.

RESOLVD UPPON QUESTION. That noe member of either house of parliment ought to absent himselfe from the servise of that house wherof he is a member, uppon any command from the kinge, without leave first had from that house.

RESOLVD UPPON QUESTION. That the licence or dispensation sent by the king to the earles of Essex and Holland, to discharge

them from there attendance uppon the servise of that house, contrary to the order of that house, is an high breach of the priviledges of parliment.

RESOLVD UPPON QUESTION. That the displacing the earles of Essex and Holland from there severall offices, at this time, and uppon this occation, is an injury to the parliment and the whole kingdome.

RESOLVD UPPON QUESTION. That what person soever shall accept of either of these offices, untell satisfaction bee given to both houses of parliment, shall bee accounted to doe an ignoble act, and to offer an affront to the parliment, and thereby renders himselfe unworthy to beare any office of honour or trust in the commonwealth.

RESOLVD UPPON QUESTION. That these proceedings are the effects of evill councells, to discorrage good men from doing there duties, and tends to the encreasing divisions between the king and the people, and to the disturbance of the peace of the kingdome.

SATERDAY, 16TH APRIL 1642.

[MESSAGE FROM THE KING.

This message was communicated in the same way as all the others at this time, through the lord keeper to the house of lords, and by them to a committee of the commons. The report from the committee, of which the following is a note, was made to the house by sir Henry Vane. (Journ. ii. 530.) The messages themselves were written by Hyde (the future Clarendon) and transmitted by a private messenger to the king at York. Charles transcribed them with his own hand, and, for Hyde's security, burnt the originals. (Life of Clarendon, part ii.)]

The kings answere, 14th Aprill 1642, to the desire to remove the magazine at Hull to London, and a warrant to banish the 6 preists.

A tax why the garrison was put into his owne fort at Hull, and billet souldiers against the petition of right.

The whole magazeen shall not bee removed togeather, but by pieces, as occation shall serve.

If they doe complement with this messag, as they did with the militia?

Resolved. That it is necessary the magazeen bee removed from Hull to the tower, because they beleeve that those evill councellours who advised the answer [a]

[*64th sheet.*

FRIDAY, 29TH APRIL 1642.

IMPEACHMENT OF THE ATTORNEY GENERAL.

On the 23rd April the attorney general was sentenced by the house of lords to be incapable of being a member, assistant, or pleader, in either house of parliament, and of all offices save that of attorney general, and to be committed to the Fleet during the pleasure of the house. See Journ. ii. 539, Parl. Hist. ii. 1179, and what Clarendon says upon this subject in Hist. Rebell. lib. v.]

To the right honorable the lords assembled in parliment.

The humble petition of sir Edward Herbert his majesties atturney general.

Sheweth, That by your lordshipps judgment uppon the impeachment of the honorable house of commons against your petitioner, amongst other punishments, hee was adjudged to bee committed to the prison of the Fleet, in obedience whereunto hee hath rendred himselfe a prisoner, wheere hee now remaineth, being most sencible of lying under the sentence of that supreame court, to whose justice, wisdom, and authority, hee doth, and ever shall, give all honor and reverence. And hee is heerby an humble sutor to your lordshipps, in respect to the duty of his place, for his liberty, and that his majesties servises may not suffer by his restraint, and your petitioner shall take it as an act of your lordshipps goodnesse and favour.

E. H.

29th Aprill, 1642.

[a] The MS. breaks off.

[*65th sheet.*]

SATTERDAY, 30TH APRILL, 1642.

[THE KENTISH PETITION.

Sir Edward Deering, and some other magistrates of Kent, procured a petition to be signed in which the validity of the ordinance respecting the militia was called in question. For this offence Sir Edward, sir George Strode, and Mr. Spencer were impeached. The persons named in the following note had the folly to present the petition after the house had determined to impeach its framers, and had ordered the petition to be burnt by the hangman. (Journ. ii. 549.)]

Captaine Lovelace comitted to the gatehouse[a] } concerning Deer-
Sir William Butler committed to the Fleete } ings petition.

[MESSAGES FROM THE KING.

These messages may be seen in Rushworth, part iii. vol. i. p. 544 and 569. Hollis was the reporter of the conference with the lords of which the following is a note.]

Two messages from the king, dated 28th April.

1. Concerning Hull.

The undutiful affront at Hull.

Calls againe for, and requires, an answere.

Requires the towne and magazene.

And Hotham punished severely.

Noe businesse but Hull and Ireland.

Wee injoy our priviledges untouched, but hee otherwise.

By the law, and affection of subjects, to recover the priviledges.

2. Concerninge the deniall to passe the bill for the militia.

Considerd the bill.

Hee[b] need give noe reason, but hee canot, ought not, must not, passe the bill. Woonders hee is pressed in it.

Hee is pleased wee have declined the unwarrantable ordnance, which would not bee obayd.

When hee resolved to goe to Ireland hee sent a bill for on yeare with the same names and power to

[a] Captain Lovelace was released on bail on the 21st June 1642. (Journ. ii. 635.)

[b] *Wee*, in MS.

Life and liberty put into [a] us for 2 yeares, which hee would not put in both houses of parliment but in his absence only.

Hotham.

The captives bill suspended by an order.

The city and kingdom beholden to the lord mayor.

LORD KEEPER.[b] A committe of 12 to joyne with 24.

EARL OF ESSEX. This was ill councells. Wee have argued, but not named them, therfore thinke of a way to name them, and fetch them from the king wherever they are in the kings dominions.

1. Duke Richmond.
2. Lord Digby.
3. Endimion Porter.
4. Will. Morrey.
5. Will. Crofts.

[MONDAY, 2ND MAY 1642.

THE SECOND YORKSHIRE PETITION TO THE KING.

A petition of a very high-flown character having been presented to the king by some Yorkshire gentlemen in the name of the county, it was followed shortly afterwards by another petition written in a far calmer spirit, but more numerously signed, and presented to his majesty by the high sheriff. Rushworth, who had been despatched to the north with some papers from the parliament, was present on the presentation of the latter petition, and on his return gave the house a copy of it, and reported that certain propositions were made to the petitioners by the king. We have here a note of these propositions and the result, as taken down from Rushworth's lips, with the subsequent orders of the house. (Journ. ii. 552.)]

[*The propositions.*]

1. To know if they would defend his majesties person according to there duties.

2. To have there advise how to vindicate his majesties honour

[a] This seems the reading of the MS., but it is very obscure, and shortly afterwards becomes almost illegible. It ought to be "into the hands of particular men" instead of "into us."

[b] The journal says that this was "moved from the lords" by lord Mandeville, better known as lord Kimbolton. (Journ. ii. 550.)

for the affront at Hull, and how to put him in possession of his towne.

[*The answers.*]

They will defend his person, according to there duties and the lawes of the land.

They know not how to advise concerninge Hull, but to adhere to the councell of the parliment, who are intressed in it by two messages.

The petitioners are commanded to attend his person, and not goe out of the county, notwithstanding any order.

The sherife commanded, uppon his alegience, not to execute any order or writt uppon any of those men.

The new petition.

Twine, a papist, "Com, com, let the sourd doe it."

Wortley cald, "For the king! for the king!" and drew his sourd, with 20 others, against the comittee.[a]

THANKS, by letters from both houses, to the sherife, gentlemen, and commoners of Yorkesheire.

THAT sir Francis Wortley and other principle[b]

A COMMITTEE of lords and Yorkeshiremen to bee sent downe with instructions, and to call the two lords and four commoners already sent to Hull for there assistance.

An answere.

Instructions.

SATERDAY, 7TH MAY, 1642.

[MESSAGE FROM THE KING.]

An answere to the declaration of both houses concerning Hull.

[a] A committee of the parliament was at this time resident in Yorkshire, and reported the proceedings there to the houses.

[b] Sir Francis Wortley, who is probably the same gentleman whose loyal exclamation is noticed above, was the chief signer of the first Yorkshire petition. The present entry is imperfect, and perhaps was intended to be erased out of the MS., but it indicates that there was a proposal, which was at that time abandoned, of sending for sir Francis to the

Since the kings message about Hull is not [thought] worthy an answere.[a]

[*64th sheet continued.*

THURSDAY, 19TH MAY 1642.

DECLARATION OF THE PARLIAMENT.

The house this day held an afternoon sitting in order to read through and settle their celebrated recapitulatory declaration of grievances known as the declaration of the 19th May. The following is a note of its contents. It may be seen at large in Rushworth, part iii. vol. i. 691.]

A presse to Yorke without the greate seale.

1. Noe unusuall languag used to the king.

2. If the king would not joyne us, wee would doe it. Denied.

3. We valued his words very little. "The word of a gentleman." Attorney. 31st December.

4. The king hath noe such evill councells.

5. Noe designe in the king to alter religeon.

6. Not transgresse the act of obliveon.

7. Rebellion in Ireland first framed in England. 40 coppies printed, and those not to bee published. Scotts otherwise.

8. Offering force to the parliment.

9. Noe way faulty concerning the tumults at Westminster.

10. Lord Digbyes passage.

11. Ill use of informations from forraing parts.

12. Maintaine the grounds of our feares.

13. Wee did conceive us taxed to bee the cause of the kinges feares.

14. Things omitted in the answere to our remonstrance.

15. The kings joyning with us in religeon wee desire.

house. When messengers were afterwards sent down to apprehend him and his copetitioners, they produced, in answer to the orders of the parliament, warrants from the king charging them not to remove out of the county of York.

[a] This passage occurs at the commencement of the king's message here referred to. See it in Rushworth, part iii. vol. i. p. 572. It was dated 4th May 1642. Pym and Hollis were the reporters of the conference with the lords on this occasion.

16.
17.
18. Would not proceed with 20th January.

[*66th sheet.*]

MOUNDAY, 30TH MAY 1642.

LETTER FROM YORK.[a]

To proclaim the answere to the vote.

Money from Holland. Adrian May, jeweller. Pawne any jewells of the crowne.

[PAWNING THE CROWN JEWELS.]

Lend any money uppon the jewells of the crowne, or bills of exchange, or bring in specie, or returne it to Yorke, or to lend or send any money to that purpose, shall bee disturbers, and shall make satisfaction for it out of there owne estates.

1 *Hen.* 5, *cap.* 5, the crowne juells to be taken away and noe money paied, but other juells shall bee paied for, as they are pawned.

Websters bills not to bee paied till this house is acquainted with it.

[PERSON COMMITTED AT HULL.]

If the ensigne of Hull bee comitted for any thing donn there, let the committees tell the king, 'tis an act of hostillity against the parliment.

[MEMBERS AT YORK.]

Whosoever is gon without leave hath donn against his duty.

A generall summons to go to the committee to warne upp the members.

[6TH JUNE 1642.

THE EARL OF LINDSEY.]

RESOLVED. That this house doth declare that the earle of

[a] From the parliamentary committee there.

Linsea is a publique enimye to the state, and an incendiary betweene the king and his people.[a]

My lord Savill the same.

11TH JUNE 1642.

[IMPEACHMENT OF THE NINE PEERS.]

RESOLVED. That the departures of these[b] 9 lords without leave [after such a time as both houses had declared, That the king, seduced by wicked counsels, intended to make war against the parliament, and their still continuing at York, notwithstanding their commissions and commands, is a high affront and contempt of both houses: and that the said lords therein did as much as in them lay, that the service of parliament might be deserted; and are justly suspected to promote a war against the parliament.]

[SUGGESTED PROTESTATION.

On another fold of this sheet is written the following fragment.]

That I shall bee ready, with my life and fortune, to defend the kings person and the privileges of parliment, according to the duties of my alegeance and my protestation, but for the present

[67*th sheet.*

THURSDAY, 23RD JUNE 1642.

THE KING'S ANSWER TO THE NINETEEN PROPOSITIONS.

On the 1st June 1642 the parliament transmitted to the king nineteen propositions for removing existing differences (Journ. ii. 599), to which an answer was returned on the 21st. After it had been read by the clerk, the house resolved that it should be taken into consideration on the following Thursday, and we have here a note of what then took

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[a] The earl was general of the king's forces.

[b] These lords were the earls of Northampton, Devonshire, Dover, and Monmouth, and lords Howard of Charlton, Rich, Grey of Ruthin, Coventry, and Capel.

place. The passages at the commencement, marked 1 to 5, relate to the preamble of the answer, which was first considered, and the brief remarks of certain members which follow have reference to its contents.

THE PREAMBLE.]

1. A designe to joine offices.
2. The law overthrowne and removed.
3. The militia setled.
4. Patronise Hothams treason.
5. The subjects wearied by long attendance, pursevants, and illegall imprisonments.

WALER. Let us first look to our saifty, and then to our honour.[a]

PIERPOINT. Either wee have, or have not, deserved these imputations. If wee have, let us confesse them, if not, let us cleare ourselves.

SIR JO. COOKE. Princes are jelous of there honour, and consider it as other princes value it abroad. The honour of parliment is to settle the peace and welfaire of the publique.

[The house referred the consideration of the preamble to a committee, and then proceeded to the body of

THE ANSWER.]

1. 2. 3. 4. 5. 9. 10. 15. 16. 19. *Nolumus leges Angliæ mutari.*
1. part, a larger oath.
6. never pardon a preist.
7.
8.
11.
17.
18.

Quære, What granted, what evaded, what denied?

[a] This extraordinary passage is printed as it stands in the MS. Subsequent events in poor Waller's life make one fear that sir Ralph Verney did not, by mistake, transpose the words 'saifty' and 'honour.'

Mr. Lenthall. To insist uppon our trust, and shew the reasons, but then leave it to the king.

Pim. Henry 3. the first king that did chuse the great officers without the consent of parliment, and that it was, and is, the common law of the kingdom.

An oath bindes honest men but not knaves. Parliment holds but 50[a] . Councellors take an oath of secresy. The king will not reveall ill councellours. Petition still, and leave it to the kings consideration.

Resolved. That a declaration bee drawn to vindecate this house from the aspertions laied uppon us in the kings answere to the first proposition, and to shew the reasons and presidents whereuppon the parliment had just ground to make that proposition.

5° Ed. 2. all the councellours were removed.

13 Ed. 2. all repealed.

Resolved. That wee shall not insist any further uppon the first proposition as it now is.

[monday, 27th june 1642.

After several intermediate debates upon particular clauses, the house this day considered the article by which the parliament claimed a *veto* upon the appointment of various great officers and functionaries of the state. The following speech evidently refers to that subject.]

Sir Symonds De' Ewes. 17 *Ed.* 3. *N°* 23. Treasurer and chancelour were acknowledged to bee in the king.

Lord chancellour, or keeper, lord treasurer, admirall, cheif governer of Ireland, master of the wards, two cheife justices, and cheife barron, in intervalls the king, and to be ordred by the next parliment.

4. Governer to the prince.

5. Noe marrage with any popish person.

[a] A word illegible.

APPENDIX.

I.

[68*th sheet.*

DISBANDING THE ARMIES.

The following paper has no date, and I am not able to assign it with certainty to an exact day. It may have reference to the disbanding of the armies in the north and in Ireland, and, if so, from its making mention of several days in March, may be referred to the month of February 1640-1. It may, again, have reference to one of the proposals for a pacification made during the civil war. I have not found any trace of such resolutions on the journals.]

RESOLVED. That there shall be a speedy disbanding [of] all armies.

RESOLVED. That the remote armies shall bee disbanded on the first day of March.

RESOLVED. That all the whole armies shall bee disbanded on the tenth of March.

RESOLVED. That a message shall bee sent to the king to desire a disbanding.

RESOLVED. That persons shall be appointed to treat with his majesty concerning the manner of disbanding.

[In another part of the same paper is written]

RESOLVED. That there shall bee no cessation in order to treaty before disbanding.

RESOLVED. That after the king hath agreed to the time and manner [a]

[a] The MS. concludes abruptly.

II.

[NOTES WRITTEN IN A CIPHER.

The following numerals, which occur in sheet 60, written in pencil by the hand of sir Ralph Verney, look like an attempt to take notes in a cipher. The numbers range between 1 and 28. I add them here in the hope that the ingenuity of some reader may discover their meaning.]

5. 7. 15—10. 14. 13. 7. 18. 10. 7. 16. 28. 8—7. 17. 18. 5. 16
—5. 17—6. 15—13. 16. 8. 8. 17. 20. 18. 15. 13—
28. 17—15. 22. 5. 3. 14. 10. 5. 8—17. 2—20. 15. 5. 5. 15. 3.
8—5. 17—6. 15—14. 20. 17. 18. 15. 13—16. 28—5. 7. 16. 8
—7. 17. 18. 8. 15—
5. 7. 15—12. 3. 16. 28. 10. 15—16. 8—28. 17. 7—10. 17. 27.
15. 5. 17—11. 3. 15. 15. 28. 7. 16. 10. 7—5. 7. 3. 15. 15—
20. 15. 5. 5. 15.
5. 7. 3. 15. 15—11. 3. 15. 14. 5. 15—8. 7. 16. 12. 8—8. 5.
14. 16. 15. 13. 16. 28. 2. 3. 14. 28. 10. 15—11. 15. 3. 8. 15.
14—14—20. 15. 5. 5. 15. 3—2. 3. 17. 27—20. 17. 3. 13—8—
14. 20. 6. 17. 28. 15. 8.

£11 *per diem.* Hull.[a]

5. 7. 15—4. 16. 28. 11. 8—14. 28. 8. 9. 15. 3. 5—5. 7—17.
18. 3. 12. 15. 5. 16. 5. 16. 17. 28—14. 6. 17. 18. 5—5. 7.
15—27. 16. 20. 16. 5. 16. 14.—
16. 2—14. 4. 16. 28. 11—17. 2. 2. 15. 3—5. 17—4. 16. 20—7.
16. 27. 8. 15. 20. 2. 15—9. 15. 15—27. 18. 8. 5—28. 17. 3.
17. 28. 20. 25—14. 13. 18. 16. 8. 15—6. 18. 5—9. 3. 15. 8.
5—5. 7. 15—9. 15. 14. 12. 17. 28—2. 3. 17. 27—
14—8. 16. 27. 16. 20. 16. 5. 18. 13—17. 2—14—13. 15—12.
16. 20. 14. 5.
10. 17. 28. 8. 10. 16. 15. 28. 10. 15. 8—10. 17. 3. 3. 18. 12
—5. 15. 13.

[a] On the 26th February 1641-2 the house made an order, upon the report of sir Philip Stapleton, for the payment of certain allowances to the garrison of Hull, amounting to £11 8*s. per diem.* (Journ. ii. 457.) On the same day an order was made, that the marquess of Hertford, or whosoever else had the charge of the prince, should forthwith bring him to London. In reference to the latter order the following words were written in our MS. under this note relating to Hull, and afterwards struck out again, "That if we had the prince heere, wee should doe well enough with the parliment. Fetch him to Whitehall."

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ERRATA.

I find I was mistaken in supposing that the order of the house for sending Mr. Whittaker to the Tower was "probably not acted upon" (p. 102). He appealed to the consideration of the house in vain, and was confined from the 8th to the 14th July 1641. (Journ. ii. 211.)

At p. 121, line 3, for "Herbert," read "Warwick." The passage is rightly referred to in p. 125, line 3 from the bottom.

WORKS OF THE CAMDEN SOCIETY.

FOR THE YEAR 1838-9.

I. Arrival of Edward IV. in England, A.D. 1471.
II. Kyng Johan, a Play, by Bishop Bale.
III. Poems on Richard II.
IV. The Plumpton Correspondence.
V. Anecdotes and Traditions.

FOR THE YEAR 1839-40.

VI. Political Songs of England, from John to Edward II.
VII. Hayward's Annals of Queen Elizabeth.
VIII. Ecclesiastical Documents.
IX. Norden's Description of Essex.
X. Warkworth's Chronicle; from 1461 to 1474.
XI. Kemp's Nine Daies Wonder.

FOR THE YEAR 1840-1.

XII. The Egerton Papers.
XIII. Chronicle of Josceline de Brakelond.
XIV. Narratives of Contests in Ireland, 1641 and 1690.
XV. Chronicle of William de Rishanger.

FOR THE YEAR 1841-2.

XVI. The Latin Poetry of Walter Mapes.
XVII. The Travels of Nicander Nucius.
XVIII. Three Early English Metrical Romances.
XIX. Private Diary of Dr. John Dee, &c.

FOR THE YEAR 1842-3.

XX. An Apology for the Lollards; a MS. attributed to Wickliff.
XXI. Rutland Papers.
XXII. The Diary of Bishop Cartwright, temp. James II.
XXIII. Original Letters and Papers of Literary Men of England.
XXIV. Trial of Dame Alice Kyteler for Witchcraft.

FOR THE YEAR 1843-4.

XXV. Promptorium Parvulorum, Tom. I.
XXVI. Letters relating to the Suppression of the Monasteries.
XXVII. Leycester Papers.

FOR THE YEAR 1844-5.

XXVIII. A Translation of Polydore Vergil's History of the Reigns of Henry the Sixth, Edward the Fourth, and Richard the Third.
XXIX. The French Chronicle of London.
XXX. The Metrical Romances of Sir Perceval, Sir Isumbras, Sir Eglamour, and Sir Degrevante.
XXXI. Verney's Notes of Proceedings in the Long Parliament.

CAMDEN SOCIETY,

FOR THE PUBLICATION OF

EARLY HISTORICAL AND LITERARY REMAINS.

At a General Meeting of the Camden Society held at the Freemasons' Tavern, Great Queen Street, Lincoln's Inn Fields, on Friday the 2nd of May, 1845,

THE RIGHT HON. LORD BRAYBROOKE IN THE CHAIR.

His Lordship having opened the business of the Meeting,

The Secretary read the Report of the Council agreed upon at their meeting of the 16th April last, whereupon it was

Resolved, That the said Report be received and adopted, and that the Thanks of the Society be given to the Director and Council for their services.

The Thanks of the Society were also voted to Mr. Bruce the late Treasurer, to the Editors of the Society's publications for the past year, and to the Local Secretaries.

The Secretary then read the Report of the Auditors agreed upon at their Meeting of the 29th April last, whereupon it was

Resolved, that the said Report be received and adopted, and that the thanks of the Society be given to them for their trouble.

The Thanks of the Society having then been voted to the Treasurer,

The Meeting proceeded to the election of Officers, when

The Right Hon. Lord Braybrooke, F.S.A.

was elected President of the Society; and

Thomas Amyot, Esq. F.R.S., Treas. S.A.
John Payne Collier, Esq. F.S.A.
Charles Purton Cooper, Esq. Q.C., D.C.L., F.R.S., F.S.A.
Bolton Corney, Esq.
T. Crofton Croker, Esq. F.S.A., M.R.I.A.
Sir Henry Ellis, K.H., F.R.S., Sec. S.A.
The Rev. Joseph Hunter, F.S.A.
Peter Levesque, Esq., F.S.A.
Sir Frederic Madden, K.H., F.R.S., F.S.A.
Thomas Joseph Pettigrew, Esq. F.R.S., F.S.A.
Thomas Stapleton, Esq. F.S.A.
William John Thoms, Esq. F.S.A.
Sir Harry Verney, Bart.
Albert Way, Esq. M.A., Dir. S.A., and
Thomas Wright, Esq. M.A., F.S.A.

were elected as the Council; and

William Durrant Cooper, Esq. F.S.A.
George Richard Corner, Esq. F.S.A.
The Rev. Samuel Roffy Maitland, F.R.S., F.S.A.

were elected Auditors of the Society for the ensuing year.

Thanks were then voted to the Secretary; and to Lord Braybrooke, for the interest he had always taken in the welfare of the Society, and for his able conduct in the Chair.

ELECTION OF OFFICERS, 1845.

At a Meeting of the Council of the Camden Society held at No. 25, Parliament Street, Westminster, on Wednesday the 8th May, 1845,

The Rt. Hon. Lord Braybrooke, the President, in the Chair;

Thomas Amyot, Esq. was elected Director; John Payne Collier, Esq. Treasurer; and William J. Thoms, Esq. Secretary, for the Year next ensuing.

REPORT OF THE COUNCIL,

ELECTED 2nd MAY, 1844.

The Council elected on the 2nd of May, 1844, have much satisfaction in reporting the continued prosperity of the Society, and that, by the investments of the compositions received from four members, the stock standing in the names of the Trustees for the Society has been increased from £739 19*s.* 1*d.* to £779 15*s.* 1*d.*

While thus adverting to the gradual but satisfactory increase in their funded property, and the security thus given for the perpetuity of the Society, the Council cannot but express their regret that Mr. Bruce's removal from London, rendering him unable to give that personal attendance at the Meetings of the Council which he felt to be essential to the proper discharge of his duties as Treasurer, has induced him to resign that office—an office which he has filled since the institution of the Society with a zeal, fidelity, and judgment which have contributed in the highest degree to its prosperity. The Members will probably feel it due to that gentleman to testify by a general vote their satisfaction at the manner in which he has executed his office of Treasurer, and the high sense they entertain of his services to the Society.

The Council further report, that, under the fifth law of the Society, they have filled up the vacancy thus created by the unanimous election to the Treasurership of Mr. J. Payne Collier, a gentleman who has not only been a zealous and attentive Member of the Council ever since the first formation of the Society, but has given ample evidence of his willingness to labour in its cause by editing two most valuable publications.

The Council have added the following gentlemen to the List of Local Secretaries:—

Robert Greene Bradley, Esq. for Lancaster;

George Ormerod, Esq. D.C.L., F.R.S., F.S.A., for Chepstow;

James Falconar, Esq. F.S.A., for Doncaster;

J. M. G. Cheek, Esq. for Evesham;

J. Stockdale Hardy, Esq. F.S.A., for Leicester;

Joseph Jones, Junr. Esq. for Oldham;

The Rev. Herbert Hill, M.A., for Warwick;

The Rev. William Atthill, M.A., for Middleham;

R. W. Heslop, Esq. for Ripon;

and John Jackson Blandy, Esq. for Reading, in lieu of John Richards, Junior, Esq. who retires from that office.

The Council desire to repeat the suggestion of preceding Councils, as to the advantages afforded to the Society by gentlemen possessing local influence giving their assistance as Local Secretaries of the Society. The duties attached to this office are comparatively trifling, while the benefits conferred upon the Society by a judicious discharge of them are most considerable.

The Publications of the present year have been—

I. A Translation of Polydore Vergil's History of the Reigns of Henry the Sixth, Edward the Fourth, and Richard the Third, from a MS. in the Royal Collection, British Museum. Edited by Sir Henry Ellis, K.H., F.R.S., Sec. S.A.

II. The French Chronicle of London, from a MS. in the Cottonian Library. Edited by George John Aungier, Esq.

III. The Metrical Romances of Sir Perceval, Sir Isumbras, Sir Eglamour, and Sir Degrevante. Edited by James Orchard Halliwell, Esq. F.R.S., F.S.A.

And a fourth, being a Volume of Notes of Proceedings in the Long Parliament, by Sir Ralph Verney, a portion of the valuable Collection of Family Papers placed at the service of the Society by Sir Harry Verney,

Baronet, and edited by Mr. Bruce, will be ready for immediate delivery. This volume will, it is believed, be found to be of permanent historical importance; and the Members cannot but feel grateful to Sir H. Verney for thus placing at their disposal valuable papers, the historical worth of which has been established by the use already made of portions of them by that distinguished Member of the Society, the Author of The Constitutional History of England.

The first book for the next year is also completed at press, and will be delivered to the Members as soon as bound. It is the Autobiography of Sir John Bramston, edited by the Right Honourable the President, from the original manuscript in the possession of his descendant, Thomas William Bramston, Esq. one of the Knights of the Shire for South Essex, who has kindly permitted the publication of a volume which, it is hoped, will throw considerable light upon the state of politics and society during the Stuarts' reigns.

The Volumes which have been added to the List of suggested Publications during the past year are—

The Master of the Game. To be edited from Manuscripts of the Fifteenth Century, by Sir Henry Dryden, Bart. F.S.A.

De Antiquis Legibus Liber, a Chronicle of the Mayors and Sheriffs of London, and of divers events of those times. To be edited by Thomas Stapleton, Esq. F.S.A.

Selection from the Archives of the City of Canterbury, illustrative of the State of Society in England during the Middle Ages. To be edited by Thomas Wright, Esq. M.A., F.S.A.

Extracts from the Journal and Account Book of a Sussex Clergyman, kept from 1655 to 1679. To be edited by R. W. Blencowe, Esq.

Camden's Visitation of Huntingdonshire, made by Nicholas Charles, his Deputy, from the Original Visitation preserved among the Cottonian Manuscripts. To be edited by Sir Henry Ellis, K.H., F.R.S., F.S.A.

The Early Charters and Statutes of the Collegiate Church of Middleham, in the county of York. To be edited by the Rev. William Atthill, M.A. Canon and Sub-Dean of Middleham.

The Council are much gratified in reporting to the Society the circumstances connected with the publication of the Liber de Antiquis Legibus. The work having been pointed out as one eminently deserving of being printed, the Council applied to the Right Honourable the Master of the Rolls for the loan of the transcript formerly made for the late Record Commission, and then in his Lordship's custody as Her Majesty's Keeper of Records. Not only was this permission most readily granted by Lord Langdale, but Sir Francis Palgrave likewise placed at the service of the Council a transcript which was in his possession. Mr. Stapleton, who had kindly undertaken the editorship of the Volume, being desirous of collating these transcripts with the original manuscript in the possession of the City of London, application was made to the proper authorities for the necessary permission, and the Court of Aldermen granted Mr. Stapleton full liberty to collate the manuscript preserved in the Archives of the City. The Council refer to these proceedings as affording unquestionable evidence of the interest felt in all quarters in the objects of the Camden Society, and the importance with which its publications are regarded.

The Council have to regret the deaths, during the past year, of the following Members :—

The Rev. Henry Card, D.D., F.S.A.
Rt. Hon. the Earl of Egremont, F.S.A.
John Lewis Guillemard, Esq. M.A., F.R.S.
Sir John Gurney, one of the Barons of the Exchequer.
E. W. A. Drummond Hay, Esq. F.S.A. Lond. and Sc.
James Allan Maconochie, Esq.
The Right Hon. Sir Gore Ouseley, G.C.H., F.R.S., F.S.A.
Reader Wainewright, Esq. F.S.A.
Thomas Winstanley, Esq.
George Woodfall, Esq. F.S.A.

The Council cannot close this Report without drawing the attention of the Members to the services which the Society has rendered to Historical Literature during the seven years of its existence. The Society was instituted, to use the words of the original Prospectus, for the purpose of "perpetuating and rendering accessible whatever is valuable, but at present little known, amongst the materials for the Civil, Ecclesiastical, or Literary History of the United Kingdom;" and a very cursory glance at the thirty-one Volumes which have been printed for the use of the Members will show how much has been accomplished in furtherance of such objects. The services of the Society will, perhaps, be more readily appreciated by a consideration of what it has produced in each of the several divisions under which the works may be arranged. In the branch of Civil and Political History the Society has published,—The Arrival of Edward the Fourth; Warkworth's Chronicle; Hayward's Annals of Elizabeth; the Narratives of Contests in Ireland; the Chronicle of William de Rishanger; the Leycester Papers; the Translation of Polydore Vergil; the Travels of Nicander Nucius; and the Notes of Proceedings in the Long Parliament; to which may be added, the Egerton Papers, and the Rutland Papers.

Our Ecclesiastical History has been illustrated by the volume entitled Ecclesiastical Documents; the Chronicle of Josceline de Brakelond; the Apology for the Lollards; and the Letters relating to the Suppression of the Monasteries.

Our Literary History, including those important branches of it—our early Poetry and Drama, has had no little light thrown upon it by the publication of Kyng Johan; Kemp's Nine Daies Wonder; the Poems on Richard the Second; the Political Songs; the Poetry of Walter Mapes; the Three Early Metrical Romances; and the Romances of Sir Perceval, &c.; and, lastly, by the Original Letters and Papers of Literary Men of England.

Norden's Description of Essex and the French Chronicle of London

afford historical materials of a more local character. In the Diaries of Dr. Dee and Bishop Cartwright, we have new and characteristic contributions to our biographical stores. The history of our language is illustrated by our valuable edition of the Promptorium; while new and curious materials for that interesting branch of our history—that of our social condition, our manners and customs, will be found in the Plumpton Correspondence, the Anecdotes and Traditions, and the remarkable Narrative of the Proceedings against Dame Alice Kyteler accused of Sorcery.

When it is considered what a mass of information, formerly inaccessible to the majority of historical students, has thus been rendered generally available by means of the Camden Society, the Council feel they are justified in claiming for that Society the continued and increased support of its friends, and the zealous co-operation of all who look upon the study of our National History as deserving of encouragement,—of all who are anxious for the establishment of that which is the great end and object of all investigation into the past—Historical Truth.

Signed by order of the Council,

THOMAS AMYOT, *Director.*

WILLIAM J. THOMS, *Secretary.*

REPORT OF THE AUDITORS,

DATED 30TH APRIL, 1845.

WE, the Auditors appointed to audit the Accounts of the Camden Society, report to the Society, that the Treasurer has exhibited to us an account of the Receipts and Expenditure of the Society, from the 29th April, 1844, to the 30th April, 1845, and that we have examined the said accounts, together with the vouchers relating thereto, and find the same to be correct and satisfactory.

And we further report that the following is an accurate Abstract of the Receipts and Expenditure of the Society during the period we have mentioned.

An ABSTRACT of the RECEIPTS and EXPENDITURE of THE CAMDEN SOCIETY,

from the 29th April, 1844, to the 30th April, 1845.

		£.	s.	d.
	Balance of last year's account	80	2	10
1844, April 29th, to 1845, April 30th.	Received on account of members whose Subscriptions were in arrear at the last Audit	109	0	0
	The like on account of Subscriptions due 1st May, 1844	936	0	0
	One half-year's dividend on £739. 19s. 1d. 3 per cent. consols, invested in the names of the Trustees of the Society, deducting property-tax	10	16	10
	One half-year's dividend on £759. 13s. 1d. 3 per cent. consols, deducting property-tax	11	1	2
	Compositions received from three members.	30	0	0
	Total receipts for the year	£1,177	0	10

	£.	s.	d.
Paid for the purchase of £39. 16s. 3 per cent. consols, invested for the benefit of the Society	39	17	6
Paid for printing and paper of 1,250 copies of "French Chronicle"	92	16	0
The like of 1,250 copies of "Polydore Vergil"	174	19	3
The like of 1,250 copies of "Thornton Romances"	207	4	6
Paid for binding 90 copies of books of past years	4	3	6
Paid for binding 1,200 copies of "Leycester Papers"	62	0	0
The like for 1,200 copies of "French Chronicle"	45	12	0
The like for 1,200 copies of "Polydore Vergil"	50	8	0
The like for 1,200 copies of "Thornton Romances"	52	16	0
Paid for delivery and transmission of 1,200 copies of the three last named books, and of the "Leycester Papers," at 2d. per book, with paper for wrappers, booking, &c. and for Advertisements.	55	15	6
Paid for Miscellaneous Printing, Lists of Members, &c	33	5	6
Paid for Transcripts, &c. connected with works published and in progress	81	15	1
One year's payment for keeping the Accounts and General Correspondence of the Society	52	10	0
Paid expenses of last General Meeting	2	7	0
Paid for postage, carriage of parcels, and other petty cash expenses	10	2	6
Cash balance, viz. Sum in hand for Composition £10 0 0			
The like from Subscriptions and other receipts 201 8 6			
	211	8	6
	£1,177	0	10

And we, the Auditors, further state, that the Treasurer has reported to us, that over and above the present balance of £211 8*s.* 6*d.* there are outstanding various subscriptions of Foreign Members, of Members resident in places distant from London, and of Members recently elected, which the Treasurer sees no reason to doubt will be shortly received.

Given under our hands this 30th day of April, 1845.

Octavian Blewitt.
Thos. Wm. King, Rouge Dragon.
Peter Levesque.

LAWS OF THE CAMDEN SOCIETY.

I. That the Society shall be entitled "The Camden Society, for the Publication of Early Historical and Literary Remains."

II. That the objects of the Society shall be, First, the publication of inedited Manuscripts; Second, the reprinting of Works of sufficient rarity and importance to make Reprints desirable; and Third, the publication of Translations of Historical Works not previously rendered into English.

III. That the Society shall consist of One Thousand Two Hundred Members, being Subscribers of One Pound annually; such Subscription to be paid in advance, on or before the first day of May in every year.

IV. That the management of the affairs of the Society shall be vested in a President and a Council consisting of fifteen Members, which President and Council shall be elected annually by the Society at large, at a General Meeting to be held on the 2nd day of May, being the Anniversary of Camden's birth; or on the Monday following, when the 2nd of May shall happen to fall upon a Sunday.

V. That the President and Council shall, from amongst their own body, elect a Director, who shall act as Chairman of the Council, in the absence of the President, and also a Treasurer, and a Secretary.

VI. That the Accompts of the Receipts and Expenditure of the Society shall be audited annually by three Auditors, to be elected at the General Meetings, and that the Report of the Auditors, with an Abstract of the Accompts, shall be published.

VII. That the names of Members proposed to be elected as President, Council, and Auditors, shall be transmitted by the proposers to the Secretary, one fortnight before the General Meeting, and that notice of the persons so proposed shall be forwarded by the Secretary one week before the General Meeting, to all the Members residing within the limits of the Twopenny Post, and to all other Members who shall, in writing, request to receive the same.

VIII. That no Member shall be entitled to vote at any General Meeting whose Subscription is in arrear.

IX. That in every year one-fifth in number of the Council of the year preceding shall be ineligible for re-election; and that in case any Member of the Council shall not attend more than one-third of the number of Meetings of the Council, such Member shall be considered to be one of the retiring Members.

X. That in the absence of the President and Director, the Council at their Meetings shall elect a Chairman, who shall have a casting vote in case of equality of numbers, and shall also retain his right to vote upon all questions submitted to the Council.

XI. That the Funds of the Society shall be disbursed in payment of necessary expenses incident to the production of the Works of the Society, and that all other expenses shall be avoided as much as possible.

XII. That, after the Members of the Society shall have reached One Thousand Two Hundred, vacancies in that number shall be filled up by the Council, from time to time as they occur.

XIII. That every Member not in arrear of his Annual Subscription, shall be entitled to One Copy of every Work published by the Society during that year.

XIV. That the Members shall be invited to contribute or recommend Works for publication.

XV. That Editors of Works printed by the Society shall be entitled to Twenty Copies of the Works they edit.

XVI. That the Council shall determine what number of copies of each Work shall be printed, and that the copies over and above those required by the Members shall be sold in such manner, and at such prices, as shall be fixed by the Council, the proceeds being carried to the account of the Society.

XVII. That the Publications of the Society shall all form separate and distinct Works, without any other connexion than that which must necessarily exist between the volumes of such Works as consist of several Volumes.

XVIII. That any Member of the Society may at any time compound for his future Annual Subscriptions, by payment of £10 over and above his Subscription for the current year.

XIX. That every Member of the Society who shall intimate to the Council his desire to withdraw from the same, or who shall not pay his Subscription for the current year within three Months after his Election, or after such Subscription shall have become due, shall thereupon cease to be a Member of the Society.

XX. That the Council may appoint Local Secretaries in such places, and with such authorities as to them shall seem expedient; every Local Secretary being a Member of the Society.

XXI. That no alteration shall be made in these Laws, except at a General Meeting, nor then, unless One Month's notice of any alteration intended to be proposed at such Meeting shall have been given in writing to the Secretary.

MEMBERS OF THE CAMDEN SOCIETY,

FOR THE

SEVENTH YEAR, ENDING 2ND MAY, 1845.

Those Members to whose names (c.) *is prefixed have compounded for their Annual Subscriptions.*
The Members whose names are printed in Small Capitals were on the Council of the year.

THE RIGHT HON. LORD BRAYBROOKE, F.S.A. *President.*

(c.) H. R. H. PRINCE ALBERT OF SAXE-COBURG GOTHA, K.G., F.R.S., F.S.A.

THE MOST REV. AND RIGHT HON. THE LORD ARCHBISHOP OF CANTERBURY.

THE RIGHT HON. LORD LYNDHURST, LL.D. F.R.S., LORD HIGH CHANCELLOR.

THE MOST HON. THE MARQUESS OF NORTHAMPTON, D.C.L., PRES.R.S., F.S.A.

THE RIGHT HON. THE EARL OF ABERDEEN, PRES.S.A., F.R.S.

J. White Abbott, Esq. Exeter.

Abraham Abell, Esq. Cork.

Joseph Ablett, Esq. Llanbedr Hall, Ruthin.

Right Hon. Lord Viscount Acheson, M.P.

(c.) Sir Robert Shafto Adair.

H. G. Adams, Esq. Chatham.

John Adamson, Esq. Secretary of the Society of Antiquaries of Newcastle. *Local Secretary at Newcastle.*

Rev. James Adcock, M.A. Lincoln.

John Adolphus, Esq. F.S.A.

Professor Dr. Adrian, Librarian of the University of Giessen (Hesse Darmstadt).

The Library of the Faculty of Advocates, Edinburgh.

Wm. Harrison Ainsworth, Esq.

Ralph Ainsworth, Esq. M.D. Manchester.

John Yonge Akerman, Esq. F.S.A. Sec. Num. Soc.

William Aldam, Esq. M.P.

(c.) Edward Nelson Alexander, Esq. F.S.A. *Local Secretary at Halifax.*

Robert Henry Allan, Esq. F.S.A.

George Edward Allen, Esq. Bath.

Mr. William Allen.

Richard Hopkins Allnatt, Esq. M.D., F.S.A.

Richard Almack, Esq. F.S.A. Long Melford, Suffolk.

Rev. Edward Constable Alston, M.A. Cransford Hall, Suffolk.

George Henry Ames, Esq. Cote House, near Bristol.

Samuel Amory, Esq.

THOMAS AMYOT, Esq. F.R.S. Treas. S.A. *Director.*

Alexander Annand, Esq. F.S.A. Sutton, Surrey.

Thomas Chisholme Anstey, Esq.

Samuel Appleby, Esq. Gray's Inn.

George Appleyard, Esq.

M. le Chevalier Artaud, Membre de l'Institut de France.

Robert John Ashton, Esq. F.L.S.

Sydney Aspland, Esq.

The Athenæum Club.

F. B. Atkinson, Esq. Manchester.

Rev. William Atthill, M.A. Deanery, Middleham, Yorkshire. *Local Secretary at Middleham.*

George James Aungier, Esq.

Benjamin Austen, Esq.

Australasian Public Library.

W. Scrope Ayrton, Esq. F.S.A. Barrister-at-Law.

James Bacon, Esq. Barrister-at-Law.

Thomas Bacon, Esq. Redlands, Reading.

Edward Badeley, Esq. F.S.A. Temple.

Thomas Smith Badger, Esq. Trinity Hall, Cambridge.

The Right Hon. Lord Bagot, LL.D., F.S.A.

James Evan Baillie, Esq.

George Baker, Esq. *Local Secretary at Northampton.*

Rev. John Baldwin, M.A. Dalton, near Ulverstone.

Rev. Bulkeley Bandinel, D.D. Bodley's Librarian, Oxford.

Rev. Richard H. Barham, B.A.

W. G. I. Barker, Esq. Middleham, Yorkshire.

George Barlow, Esq. Oldham.

Benjamin Barnard, Esq.

John Barnard, Esq.

Keith Barnes, Esq.

Ralph Barnes, Esq. Exeter.

Charles Frederick Barnwell, Esq. M.A., F.R.S., F.S.A.

Rev. John Bartholomew, Morchant.

Arthur Barr, Esq.

Rev. H. Barry, Draycot, Wilts.

Mr. J. Bartlett, Blandford.

Rt. Rev. the Lord Bishop of Bath and Wells, F.R.S. and F.S.A.

R. R. Bayley, Esq.

Richard Bayley, Esq. Castle Dike, Sheffield.

Henry Ridley Beal, Esq.

Mr. Henry Mitchison Bealby.

John Beardmore, Esq. Uplands, near Fareham.

His Grace the Duke of Bedford.

John Thomas Bedford, Esq.

The Bedford Permanent Library.

Alfred Beesley, Esq. Banbury.

James Bell, Esq.

Robert Bell, Esq. Manor House, Chiswick.

Thomas Bell, Esq. F.R.S. Professor of Zoology, King's College, Lond.

Charles Bellamy, Esq. D.C.L. Fellow of St. John's College, Oxford.

Samuel Beltz, Esq.

John Benet, jun. Esq.

George Bennet, Esq. Himley, near Dudley.

Francis Benthall, Esq. F.S.A.

Henry Bentley, Esq.

John Bentley, Esq. Birch House, near Bolton, Lancashire.

Michael Bentley, Esq.

Richard Bentley, Esq. Publisher to Her Majesty.

Peter S. Benwell, Esq. Henley.

John Brodribb Bergne, Esq. F.S.A.

The Royal Library, Berlin.

Charles William de Bernardy, Esq.

Samuel Berridge, Esq. Leicester.

(c.) The Rev. John Besly, D.C.L. Vicar of Benton, Northumberland.

Sir William Betham, Ulster King of Arms, F.S.A., M. R. I. A. *Local Secretary at Dublin.*

Richard Bethell, Esq. M.P. Rise, near Beverley.

Edward Bevan, Esq.

La Bibliothèque du Roi, Paris.

Robert Bickersteth, Esq. Liverpool.

John Bidwell, Esq. F.S.A.

Leonard Shelford Bidwell, Esq. F.S.A. Thetford.

Rev. George Augustus Biedermann, Rector of Dauntsey, Wilts.

Arthur Biggs, Esq. Bristol.

Mr. R. W. Billings.

William Bird, Esq. Official Assignee at Liverpool, Rock Park, Cheshire.

Thomas Birkbeck, Esq.

John Birkbeck, Esq. Anley House, near Settle, Yorkshire.

The Birmingham Public Library.

W. H. Blaauw, Esq. Beechland, near Uckfield.

John Blachford, Esq.

William Black, Esq.

John Burgoyne Blackett, Esq. Christ Church, Oxford.

Rev. Joseph William Blakesley, M.A. Fellow of Trin. Coll. Camb.

Michael Bland, Esq. F.R.S., F.S.A.

Rev. George Bland, M.A.

Charles Blandy, Esq. Reading.

(c.) John Jackson Blandy, Esq. *Local Secretary at Reading.*

William Blandy, Esq. Reading.

Robert Willis Blencowe, Esq. M.A. The Hooke, near Lewes.

Octavian Blewitt, Esq. Secretary to the Literary Fund Society. *Auditor.*

(c.) Rev. Philip Bliss, D.C.L., F.S.A., Registrar of the Univ. of Oxford. *Local Secretary at Oxford.*

Bindon Blood, Esq. F.R.S.E., F.S.A. Scot., M.R.I.A. Ennis, Ireland.

Edward Blore, Esq. D.C.L., F.S.A.

B. Blundell, Esq. Temple.

John Elijah Blunt, Esq.

Rev. Wm. Blunt, B.A. Under Master of Merchant-Taylors' School.

Miss Bockett, Southcote Lodge, Berks.

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Henry G. Bohn, Esq.

Rev. J. A. Bolster, M.A., M.R.I.A, *Local Secretary at Cork.*

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B. W. Booth, Esq. Manchester.

John Booth, Esq. Barton on Irwell, Manchester.

Mr. Lionel Booth.

Rev. Miles Galloway Booty, Hill Top House, Leyburn, near Bedale.

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Miss Bower, Doncaster.

Rev. Thomas Frere Bowerbank, M.A. Vicar of Chiswick.

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David Bradberry, Esq.

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Jonathan Brammall, Esq. Sheffield.

Thomas W. Bramston, Esq. M.P. Skreens, Chelmsford.

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George Brice, Esq. Queen's College, Oxford.

John Bright, Esq. M.D.

John Ruggles Brise, Esq. Spains Hall, Finchingfield, Essex.

Charles Bristed, Esq. Trinity College, Cambridge.

Thomas Broadwood, Esq.

William Brockedon, Esq. F.R.S.

William Bromet, M.D., F.S.A.

(c.) Right Hon. the Lord Brooke.

Francis Capper Brooke, Esq. Ufford Place, Suffolk.

Charles Bros, Esq.

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Samuel Cowper Brown, Esq. F.S.A. Shillingford Cross, near Exeter.

Samuel William Browne, Esq. Lewisham.

William Henry Brown, Esq. Lewisham.

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George Buckton, Esq. Oakfield.

Lieut.-Gen. Sir Henry Bunbury, K.C.B., F.S.A.

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William Burge, Esq. Q.C., M.A., D.C.L.

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John Burrell, Esq. Durham.

Robert Burrell, Esq. Durham.

Edmund Burrow, Esq.

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John M. Burton, Esq. Croom's Hill, Greenwich.

Rev. C. J. Burton, Lydd Vicarage, Kent

Johnson Atkinson Busfield, Esq. Bradford, Yorkshire.

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Frederick Caldwell, Esq.

Ven. Henry Calthrop, B.D. Archdeacon of Rochester.

Rt. Hon. Lord Campbell.

Union Society, Cambridge.

Rt. Hon. the Earl of Camperdown.

Rev. Henry Card, D.D., F.S.A., Great Malvern. [Died Aug. 4, 1844.]

J. S. Cardale, Esq. Leicester.

The Cardiff Institution.

(c.) The Rev. Edward Cardwell, D.D. CAMDEN'S Professor of Ancient History, Oxford.

W. Henry Pole Carew, Esq. Anthony, Cornwall.

(c.) Peter Stafford Carey, Esq. M.A.

Rt. Hon. the Earl of Carlisle, F.R.S.

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A. N. Carmichael, Esq. Principal Classical Master at the Edinburgh Academy.

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Edward P. Cearns, Esq. Liverpool.

Mr. James Chaffin, Islington.

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William Chapman, Esq. Richmond, Surrey.

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Rt. Rev. the Lord Bishop of Chichester.

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Francis Cholmeley, Esq. F.S.A.

J. Christian, Esq. Deemster, Milntown, Isle of Man.

Rev. Henry Christmas, M.A., F.R.S., F.S.A., Sec. N.S., Librarian of Sion College, &c. &c.

Henry Christy Esq.

Charles Clark, Esq. Middle Temple.

Rev. Francis Foreman Clark, B.A., Townfield House, near Newcastle, Staffordshire.

George Thomas Clark, Esq.

William Clark, M.D. Professor of Anatomy, Cambridge.

Joseph Clarke, Esq.

Thomas J. Clarke, Esq.

Thomas Clarke, Esq. Knedlington, Yorkshire.

Thomas Clarke, Esq. F.R.S., F.S.A.

Rev. Patrick Clason, D.D. Edinb. For the Library of the Free Church of Scotland.

Rev. Jacob Clements, M.A. Upton St. Leonard's, near Gloucester.

(c.) Rev. Alfred Butler Clough, B.D., F.S.A. Jesus College, Oxford.

Charles Thornton Coathupe, Esq. Wraxhall, near Bristol.

James Cobb, Esq. Yarmouth.

J. Ingram Cobbin, Esq.

Sir William S. R. Cockburn, Bart. M.A., Bath.

William Colbourne, Esq. Chippenham.

Rev. Edward Coleridge, M.A.

Francis George Coleridge, Esq. Ottery St. Mary, Devon.

The Hon. Sir John Taylor Coleridge, one of the Judges of the Queen's Bench, M.A.

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Edward Collins, Esq.

Thomas Combe, Esq. Oxford.

Rev. C. Comberbach, Stonor.

John Comport, Esq. Strood.

(c.) Rev. John Connop, M.A. Bradfield Hall, Berkshire.

Edward Conroy, Esq. M.A., M.R.I.A.

William Conway, Esq. Rathmines, Dublin.

Lord Albert Conyngham, F.S.A. Pres. Num. Society.

William Henry Cooke, Esq. Barrister-at-Law, Temple.

Charles Henry Cooper, Esq. Coroner for Cambridge.

Charles Purton Cooper, Esq. Q.C., D.C.L., F.R.S., F.S.A.

Rev. James Cooper, M.A. St. Paul's School.

Thomas Henry Cooper, Esq.

William Durrant Cooper, Esq. F.S.A.

The Royal Library of Copenhagen.

The Lord Bishop of Cork, Cloyne, and Ross.

George Richard Corner, Esq. F.S.A.

(c.) Bolton Corney, Esq. Greenwich.

Rev. Thomas Corser, Stand, Manchester.

Rev. G. E. Corrie, B.D. Fellow of Cath. Hall, and Norrisian Prof. of Divin. in the Univ. of Cambridge.

Rt. Hon. Lord Cottenham.

The Right Hon. Lord Courtenay.

Andrew Coventry, Esq. Advocate, Edinburgh.

Rev. M. Cowie, M.A. St. John's College, Cambridge.

William Crafter, Esq. Gravesend.

(c.) James T. Gibson Craig, Esq. Edinburgh.

George L. Craik, Esq.

Rev. John Antony Cramer, D.D. Public Orator, Oxford.

Rev. Richard Crawley, M.A. Steeple Ashton, Wiltshire.

Sir Archer Denman Croft, Bart.

Rev. Richard Croft, North Ockenden, Essex.

Anthony Crofton, Esq. Barrister.

John Crofts, Esq. Bradford, York.

The Rt. Hon. John Wilson Croker, LL.D., F.R.S.

Thomas Crofton Croker, Esq. F.S.A., M.R.I.A.

Crosby Hall Literary and Scientific Institution.

John Cross, Esq. Barrister-at-Law.

James Crossley, Esq. *Local Secretary at Manchester.*

James Dodsley Cuff, Esq.

Rev. Samuel Cumming, B.A. Old Romney.

George Godfrey Cunningham, Esq. Glasgow.

Peter Cunningham, Esq. Treasurer of the Shakespeare Society.

Miss Richardson Currer, Eshton Hall, Yorkshire.

Henry Curwen, Esq. Workington Hall, Cumberland.

The Rev. Henry Curwen, Rector of Workington.

The Hon. Edward Cecil Curzon.

Edward Dalton, Esq. LL.D., F.S.A. Dunkirk House, near Minchinhampton, Gloucestershire.

Thomas Dalton, Esq. Cardiff.

George Daniel, Esq.

Rev. John Wareyn Darby, Framlingham.

George Webbe Dasent, Esq., M.A.

William Davie, Esq. Town Clerk of Glasgow.

James Edward Davies, Esq.

Robert Davies, Esq. F.S.A. Town Clerk of York.

Richard Davies, jun. Esq. Llangefni, Anglesey.

Thomas Stephens Davies, Esq. F.R.S. L. and Ed. F.S.A. Prof. of Mathematics in Royal Military Acad. Woolwich.

David Elisha Davy, Esq. Ufford, Suffolk. *Local Secretary.*

Matthew Dawes, Esq. F.G.S. Westbrook, Bolton-le-Moors.

Vesey Thomas Dawson, Esq.

Rev. Arthur Dayman, M.A. Shillingstone rectory, Blandford.

Charles Deane, Esq.

Rev. J. Bathurst Deane, M.A., F.S.A.

James Dearden, Esq. Rochdale.

Norris Deck, Esq. Cambridge.

Right Hon. Earl De Grey, Pres. of R. Inst. Br. Architects, F.S.A.

Rev. D. C. Delafosse, M.A. Vicar of Wandsworth.

Philip Chilwell De la Garde, Esq. Exeter.

George Dempster, Esq. of Skibo, Advocate.

Mons. Jules Desnoyers, Sec. de la Soc. de l'Histoire de France.

His Grace the Duke of Devonshire, K.G., D.C.L.

Hugh Welch Diamond, Esq. F.S.A. Hon. Libr. of the Numism. Soc.

F. H. Dickenson, Esq. M.P.

William Dickson, Esq. Edinburgh.

Count Maurice Dietrichstein, Prefect of the Imp. Library at Vienna, Associate of the Numismatic Soc. of London, &c.

Charles Wentworth Dilke, Esq. LL.B.

Joseph C. Dimsdale, Esq.

(c.) John Disney, Esq. The Hyde, Ingatestone.

(c.) George Dodd, Esq. M.P., F.S.A.

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